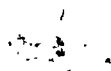
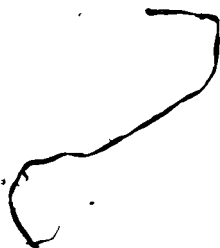




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**PROVINCIAL POLICE,
ALBERTA**

**THE
CONSTABLES' MANUAL**

**TORONTO:
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CONTENTS.

	PAGE
CHAPTER 1. <i>General Duties</i>	1-4
Arrival of boats and trains	3
Fines	2
Memorandum book	3
Public meetings	2
Streets and highways	3
Suspected persons	2
Summary of duties	4
CHAPTER 2. <i>Criminal Investigation</i>	5-32
Arson	5
Bodily harm	6
Carnal knowledge	7
Concealment of birth	11
Fraud and false pretences	13
Murder	17
Perjury	24
Rape	25
Suspected poisoning	19
Theft	27
Threatening letters	29
CHAPTER 3. <i>Prosecution of Cases</i>	33-46
Argument	44
Child's evidence	40
Cross-examination	43
Completing records	45
Examination of witnesses	42
Finding the crime	35
Husband and wife as witnesses	38
Incriminating answers	39
Leading questions	43
Preparation of case	33
Proof of documents	41
Previous convictions	39
Presenting case to Court	38

	PAGE
Rules of evidence	38
Records	45
CHAPTER 4. <i>Legal and General Information</i>	47-77
Admissibility	47
Adverse witness	47
Affidavit and affirmation	47, 48
Arrest	48
Backing warrants	53
Ball	53
Bench warrant	54
Caption	54
Certiorari	54
Colour of right	55
Committal warrants	76
Complaint	55
Compounding offences	56
Confessions	57
Contempt	57
Conviction	58
Coroner	59
Corroboration	60
Costs	60
Deposition	62
Distress procedure	64
Distress warrants	77
Dying declarations	65
Ex officio	66
Ex parte	66
Extradition	66
Fines	66
Frequenting	67
Gaming	68
Indictable offence	68
Inquest	68
Juveniles	69
Limitation of actions	70
Negating exceptions	70
Previous convictions	71
Remand	72
Render of Sureties	72

CONTENTS.

v

	PAGE
Restitution	72
Search warrants	75
Statement of accused	73
Subpoena .....4.....	73
Summary conviction	73
Summary trials	73
Summons	74
Warrants	75
Index	127



THE CONSTABLES' MANUAL

CHAPTER I.

GENERAL DUTIES.

Every constable, when on duty, is responsible for the security of life and property, and for the preservation of the peace and general good order in his district. He should—(1) make himself acquainted with all parts of the cities, towns, villages and settlements in such district; (2) possess such a knowledge of the inhabitants as will enable him to recognize their persons; (3) be civil and courteous to every member of the public, rich and poor; (4) pay attention to foreigners and strangers; (5) visit all pool rooms, theatres, and other licensed places for the purpose of observing all breaches of the law; (6) visit his district periodically and especially in towns, cities, and villages, the business section; (7) be vigilant to detect burglary, housebreaking, or the entering of premises by day or night, and inform the occupier of any premises which he finds insecure, and (8) mark all places likely to be attempted by thieves, and if the marks are disturbed, he should ascertain the cause.

A constable should not enter any house, while on duty, except in the execution of his duty, and then only with a proper warrant, nor loiter on duty, or engage in conversation except on matters relative to his duty.

Suspected persons. A constable should watch the conduct of known offenders and persons of bad character, and should keep in mind that the prevention of crime—the great object of all the exertions of a constable—will be best attained by making it evident to such parties that they are known, and strictly watched, and that certain detection will follow any attempt to commit a crime. Brothels, low lodging houses, haunts of thieves, and houses frequented by disreputable persons, ought to be well known and a close watch kept upon them. He should watch women who go about followed by thieves and disreputable persons, and if he finds a prostitute or thief decoying a drunken person in to any back place he should follow them, and warn such person of his danger.

Fires. A constable should exert himself in every way likely to be most useful, endeavouring to be first on the spot and see that all inmates are out of the house, keeping space for the fire engines, assisting in removing property, and helping members of the fire brigade, preventing robbery, and remaining until the fire is out and later, if any good purpose could be served by doing so.

Public meetings. Where public meetings or entertainments are held the constable should be outside, unless called inside to preserve order. He should however see that all gangways and spaces of ingress, and egress, are

kept clear and that the law in respect of overcrowding such places is adhered to by those in charge.

Arrival of boats and trains. A constable should attend and be present at the arrival of all boats and trains and should note public vehicles with passengers, not only to observe the persons departing or arriving by them, but to render such persons any assistance or protection.

Streets and highways. A constable is authorized to interfere when a crowd of persons, standing together on the footway, obstruct the free passage of the thoroughfare. In such cases he should be both civil and courteous in his manner when requesting the parties to move on. If they persist in remaining and otherwise obstruct the highway, their names and addresses should be taken as well as that of a witness, and the parties should be summoned to appear before a magistrate, where an offence has been committed. Cities, towns and villages have, through their council, power to pass by-laws regulating streets and highways within their limits. The constable should be familiar with all such by-laws. Persons who negligently or furiously drive horses, automobiles and other conveyances, to the danger of the public, should be summoned. It is advisable in the case of street or by-law offences to caution the parties first and, if they persist in violating the law, they should be prosecuted vigorously.

Memorandum book. A constable should never be without a memorandum book, and a pencil, and note down any offences or important matters which come under his observation. Names should be taken down accurately,

and should include both christian and surnames, and any aliases. These notes should never be destroyed as they are the original entry, and may be referred to in giving evidence, for the purpose of refreshing the memory. The memory should be refreshed before going into court, not afterwards.

Summary of duties. Every constable should bear in mind that it is his duty and privilege: to protect—not oppress the public; to earnestly and systematically exert himself to prevent crime; to lose no time, nor spare any exertions, to discover and bring to justice offenders; to obtain a knowledge of all reputed thieves, loose, idle, and disorderly persons; to watch narrowly all persons having no visible means of support, and repress vagrancy; to be impartial in discharge of duties, discarding all political and sectarian prejudices; to be cool and intrepid in the discharge of duties, in emergencies and unavoidable conflicts; to avoid altercations, and display perfect command of temper under insult and provocation; to strike but in self-defence, and treat a prisoner with no more rigour than may be absolutely necessary to prevent escape; to treat with utmost civility both in words, manner and tone of voice, all classes of the public and cheerfully render assistance to all in need of it; to exhibit great deference and respect to all magistrates, judges, superiors, and officials, due to their office; to promptly and cheerfully obey orders, and render honest, faithful and speedy account of all monies and property, whether intrusted for others, or taken possession of in the execution of duty, and finally, to be neat and clean, and smart in person and attire.

CHAPTER II.

CRIMINAL INVESTIGATION.

The detection and capture of criminals is one of the primary duties of every constable, and in doing this, criminal investigation forms a very important part. Whenever a crime is committed there must of necessity be the criminal. Criminal investigation is the means whereby evidence is obtained which will prove who is the criminal, and how the crime was committed. It is needless to say this requires skill, knowledge, and a great deal of perseverance. The same set of circumstances may never arise twice, and it is only by adopting some method of action that the constable can ever expect to obtain success. In all cases the investigation must be two-fold, first to find the true facts, and secondly to find the legal proof, or evidence as it is called, to establish the facts so found. Some of the essential facts, and the proof necessary in some of the more serious crimes, are set out for the guidance of the constable.

Arson—

Facts. It will generally be found that the incendiary bore some malice or ill will to the owner, but it sometimes occurs that the property is set on fire by persons bearing no ill-will to the owner, but who are actuated by wantonness and mischief. Occasionally cases occur in which persons in needy circumstances set fire to their own property in order to gain the amount of money for which

it is insured, and which amount is usually beyond the value of the property insured. These facts should be investigated.

Proof. There are three essentials to prove in a crime of arson, namely—

- (a) That the fire was not an accident;
- (b) That the accused, wilfully, set fire to the premises; and
- (c) That the thing burnt is one of the objects referred to in section 511 of the Code.

Where the question is whether the burning was accidental or wilful, evidence is admissible to show that on another occasion the defendant was in such a situation as to render it probable that he was engaged in committing the like offence against the same property; or that he had previously occupied houses that had been on fire and in respect of which he made insurance claims and got paid. Mere indifference or gratification on the part of the accused, as to the fire, is not evidence.

Bodily Harm—

Facts. There are three very essential facts to be ascertained in such cases. Namely—

- (a) Nature of wound;
- (b) Motive for doing the act; and
- (c) Weapon with which the act was done.

Proof. There is a very essential difference between certain offences in which wounding plays a part.

The expression "bodily harm" is found in several sections of the Criminal Code, and it is often coupled with words which add to its meaning, and change the nature of the offence. In section 295 (assaults) and 292 (c) (wife-beating), this will be found. The expression "actual" is to be distinguished from "grievous," which is found in section 274, and section 773 (c) of the Code. This distinction is very important because under section 773 (c) two justices can try in a summary manner, an offence under section 274, whereas they have no such power in regard to offences under sections 295 and 292 (c). Therefore when investigating any such cases the facts should be carefully collected with these distinctions in view, and the statements of the witnesses directed as to these particular points. It would possibly be sufficient proof under section 273 if it were established that the defendant wounded, or caused grievously bodily harm to or shot at any person with intent to maim, disfigure, or disable any person. Proof should therefore be obtained as to:

- (a) Wounding;
- (b) Intent; and
- (c) Negating self defence.

It should be noted that under section 295 there must, to prove a case under that section, be an assault which when committed results in actual bodily harm.

Carnal knowledge—

Facts. When investigating the facts relating to the commission of offences of this nature, particular

attention should be paid to the section of the Code dealing therewith. In all cases the facts should be collected with the utmost detail, as it is only evidence of a corroborative nature which finally decides the issue. Particular attention as to the age of the person assaulted should be paid and the correct date ascertained from records, and persons actually present at birth. The age to be ascertained is the age on the day upon which the offence was committed. The person of the child should, with the consent of her parents, be examined by a medical doctor, as soon as practically possible after the commission of the offence. The family doctor would be sufficient for this purpose. The accused, if known, should also be examined by a medical doctor, immediately after his arrest. It is necessary in many cases, as set out in section 1002 of the Criminal Code, that corroboration of evidence of a witness be proved by evidence implicating the accused, in some material particular. Where such corroboration is required by law, no conviction can be obtained without it. This should not be lost sight of, and although it is difficult to get evidence of eye-witnesses, yet concurrent testimony of time, place and circumstance will often supply the necessary corroborative evidence. The most important of all the facts to be collected in such a case is that fact which corroborates the principal witness in some material particular implicating the accused.

Proof. The essential elements in the proof of any of the offences under sections 301 (carnal knowledge under 14), section 211 (seduction between 14 and 16),

and section 212 (seduction under promise of marriage), are:

- (a) Age;
- (b) Penetration;
- (c) Corroboration;
- (d) Previous chastity; and
- (e) Prosecution within time limit.

Proof of age can, under section 984, be proved by—
(1) an entry or record of officials made before offence was committed; or (2) inference from girl's appearance. Actual evidence on oath by parents, present at birth, and evidence afforded by the production of family records will, to a certain extent, afford some evidence, but are not always reliable. In any case the best evidence should be obtained.

Previously chaste character refers to the actual moral status of the woman.

Corroboration made necessary by section 1002 in cases under section 211 to 220 may consist of the accused's admission, made after the girl attained the age of sixteen, that he had connection with her. The corroboration need not be of every fact in issue. It is sufficient if it confirms the belief that the prosecutrix is speaking the truth. On a charge of criminal seduction, under promise of marriage, corroboration is essential, but the corroboration need not be as to every fact, and it is sufficient if it confirms the belief that the prosecutrix is speaking the truth. In all cases the corroborative evidence must be evidence implicating the accused. Corroborative evidence is not neces-

sary to secure a committal for trial—it is only necessary in the event of obtaining a conviction.

Carnal knowledge must be proved either by direct or circumstantial evidence, and in the case of a prosecution under section 301 the evidence is the same as in a case of rape, except that the consent or non-consent of the girl is immaterial.

Great care should be taken in proving the cases under the various sections as they differ widely in their application. It should be noted that the two sections 301 and 302 protect against defilement and attempted defilement (with or without their consent), all girls under fourteen, whether of previously chaste character or not. Also, that section 211 protects against defilement (with or without consent) all girls between the ages of 14 and 16, where unchastity is not established by the accused, as provided in section 210. It must be borne in mind that the law presumes every one to be innocent until proven guilty and that, although the law presumes a woman chaste and of good repute, the burden of the prosecution is to establish and prove in the first instance, good repute. It will be seen by section 210 the burden of proof of previous unchastity of the girl or woman, under sections 211, 212 and 213, is upon the accused. In the cases of seduction under promise of marriage additional evidence is required beyond proof of actual intercourse, that it was induced by a promise of marriage. There must be a distinct actual promise of marriage before the seduction, and not a mere suggestion. It must be noted also in such cases that where a seduction under promise of marriage

has taken place, and the illicit intercourse has continued upon renewals of promise more than a year from commencement of prosecution for the original seduction, then the action is barred under section 1140 (c), and a conviction is not warranted as for a subsequent seduction within the year, as the girl is not then of previously chaste character.

Limitation of action under section 1140 is computed from the commission of the offence, and in the case of offences under sections 211, 212, 213, 215, 216, and 217, it is one year from the commission of the offence.

Concealment of birth and child murder—

Facts. In investigating cases of concealment of birth and child murder, the collecting of the facts requires the most delicate handling. In the first instance, it is absolutely necessary to establish the fact that there has been a child born alive, where the charge is child murder, or, in the case of concealment of birth, that a child was born, dead or alive, and in the latter case, of concealment of birth in addition, that she or any other person endeavoured to conceal the birth by secret disposal or burial of the dead body. To establish the fact of the birth of a child alive or dead, the constable should obtain the consent of the woman to the examination of her person by a doctor. It would be a criminal assault to have her examined without her consent, and under no circumstances whatever must an examination without consent be attempted. The state of the bedding may furnish evidence of the woman having given birth to a child. During

her illness the woman should not be charged until a doctor certifies that it may be done with perfect safety. If she has no friends to receive her she should be taken care of in some hospital which receives aid from the government, and arrangements made immediately for defraying the expense of keeping her there. When the woman is well enough to be removed from the hospital, the constable should be on hand to make arrangements for her removal. In the case of concealment of birth a dead body must be found in order to convict, and also the fact must be established that the body found is that of the child of which the woman was alleged to have been delivered. The fact must also be established of the disposal or burial of the body by the woman, or by some one else by her personal knowledge, consent or direction.

It is obvious that in the case of actual child murder very great attention must be paid to the details ordinarily required in any murder case.

It must be remembered that the facts may not establish any offence whatever for concealment of birth, and as already intimated, every case must be very delicately handled. Much cruelty may be inflicted upon an unfortunate woman who may have secretly given birth to a child, but who may nevertheless have committed no offence against the law. A constable should, therefore, act with great caution so as not to cruelly outrage the feelings of a person, innocent of a criminal offence, who may, however, in other respects be unfortunate, and therefore to be pitied. It were better to find the party guilty of putting the woman in such an unfortunate position, and to proceed

against him if he should be found to have committed a criminal offence.

Proof.

In a case of child murder, all the elements necessary in any other case of murder are required to be proved.

In the case of a charge of concealment of birth the following are essential:

- (a) Birth, alive or dead;
- (b) Disposition of body;
- (c) Identification; and
- (d) Intent.

The mere denial of the birth is not sufficient to convict. There must be proof of some act of disposition of the body after the child's death. The dead body must be found and identified as that of the child of which the woman was delivered.

Fraud and false pretences—

Facts. In investigating cases of fraud and false pretences, the distinction between criminal and non-criminal acts must be continually borne in mind. This is essentially so in regard to charges of false pretences arising out of the issue of worthless cheques. It is not every issue of a worthless cheque which amounts to an offence of false pretences. It is a common practice to obtain from merchants, agriculturists and others, goods, and in such cases there will usually be found a gang of persons who by giving each other fictitious references obtain consignments of goods. These they sell and fail to pay for them.

This may in some instances amount to fraud or false pretences. The collecting of the facts is made more difficult by the distance between the operating parties, and the scattering of witnesses, and other parties who have knowledge of the facts. The first step is to trace the goods into the possession of the parties alleged to have committed an offence, and this can be done through the express companies or other carriers. The next step is to ascertain what representation was made to obtain the goods, paying particular attention to the actual words used. If a cheque has been issued in connection with the transaction, this should be recovered without delay and carefully examined to see how it is drawn, signed, and stamped by the bank, and the constable should not be content merely with the bank's statement on the back of the cheque, but where possible he should see the manager or person who handled the cheque in the bank, and get all information, first hand, from him surrounding the presentation of the cheque and what it was for. The transaction should be looked at from every possible angle, both civil and criminal, and great caution should be exercised before any proceedings are taken criminally. Where there is an adequate civil remedy it is very common for the parties to get together and settle the matter, thus leaving the constable to his fate without any consideration. All the constable's energy is spent for nothing should he prosecute the case and find that the actual proof is lacking at the trial. It is far better in such cases for the aggrieved party to initiate the proceedings.

There are other species of fraud which are criminal in their nature. Confidence games are common devices practised by swindlers amongst unsuspecting foreigners. They are usually carried out with the aid of one or more confederates who persuade their dupe to intrust them with their money or valuables, allowing them to be taken out of their presence for a few minutes as proof of confidence. Whilst the victim is waiting for their return the swindlers decamp with their plunder. These parties could be charged with conspiracy to defraud. Other frauds are also perpetrated on the unsuspecting foreigner. A man picks up a valuable pin or ring and endeavours to induce some passer-by to give him a sum of money for it instead, as he says, of any reward that may be offered for it. The pin or ring is of course valueless and the trick is cheating. Another fraud consists of falsely obtaining money by trick, either by pretending money put down was greater than is actually the case, or that sufficient change has not been given. This is plain theft, or possibly false pretences. There are also mock auctions. These consist of the sale of worthless articles, at prices far above their value, by pretended competition between fictitious bidders. Under certain circumstances the confederates may be indicted for conspiracy to defraud. It is in most cases more easy to see what is happening, than to prove it. Where the evidence cannot be secured, the only course for the constable is to station himself at the door and warn all possible dupes of the class of men they are dealing with. In case of prosecution the articles sold should be obtained and held as an exhibit. The names of witnesses should be

obtained, along with their addresses. It is very often the fairs which attract this class of individual and they usually consort with gamblers and boot-leggers. By keeping these classes under close observation during fair time a good many of so-called frauds and false pretence offences can be eliminated. A description of the parties should be sent ahead to all points where a fair is to be held so that the constable there can be on the lookout for them.

Proof. The essentials to be proved in a case of false pretences are:

- (a) A false statement which represents as existing something which does not exist, or which represents as having happened or having existed something which has not happened, or has not existed;
- (b) Knowledge, on the part of the offender, at the time of making the false statement, or representation, that it was false;
- (c) Actual parting with the goods or money in question, in consequence and through the false representation; and
- (d) Intent to defraud in making the false statement or representation.

The commonest of all cases of false pretences arise out of the issue of cheques which are not cashable at their face value. A man who makes and gives a cheque for the amount of goods purchased in a ready money transaction makes a representation that the cheque is good and valid for the amount inserted in it. Such a person could be convicted of false pretences where the following cir-

cumstances exist, namely: (1) only a colourable account is held by the man at the bank on which the cheque is drawn, (2) no available assets to meet the cheque, (3) no authority to overdraw, (4) knowledge on the part of the issuer that it will be dishonoured on presentation, and (5) intent to defraud. In all cases of "no account" or "n.s.f" cheques, the circumstances of each should be investigated along these lines before any information is laid, in order that all, not merely one, of these requisites are present.

Murder—

Facts. Investigation of murder cases is perhaps the most important of all. The first duty on receipt of information of the commission of a murder is to get to the spot as quickly as possible. The coroner should be notified before leaving and information also forwarded to headquarters. On arrival at the scene of the crime a very careful search and inquiry into every detail should be made. Close examination of the spot (whether within or without of doors) should be made, and a note in writing taken of the exact state in which everything is found. Where the crime is committed in a house, immediate possession should be taken by the police and all strangers and unofficial persons carefully excluded from access to it, or to any of its contents, without the sanction of a magistrate or officer in charge. If the constable is on the move some one should be stationed with instructions to see that this is carried out.

Taking possession of the body. The constable should take possession of the body and should on no account move

it, or anything surrounding it, or allow any other person to do so until the coroner has made his investigation. Notes in writing of the position of the body, the condition of the clothing, the position of the wound, and if ascertainable, how and with what instrument the wound was caused. The teeth and hands of the deceased should be carefully examined to see if any skin or hair of the assailant has been grasped. The pockets and clothes of the deceased should be carefully searched for papers, money, etc., which may furnish the clue to his identity (if unknown), or the murderer. A note should be taken of everything discovered. The body should, if possible, be photographed as found, and any natural or other marks of identification, looked for. The description of the deceased person should be carefully, and with as great exactness as possible, taken for future reference.

Search for weapons. A very careful search for the weapon with which the crime was committed, also for portions of clothing, and for bullets, shot, gun-wadding, foot-prints, blood stains, finger prints, or anything which would assist in tracing guilt, should be made. Any articles discovered should be taken possession of and preserved. If a shoe print be left, care should be taken that it be not defaced—it should be covered up, and a watch placed to prevent it being disturbed until a cast, or shape, or measurements, be taken on paper. Should the boot or shoe be obtained from any party suspected, it should not be placed in the print already left but by the side thereof, then a measure should be taken, very carefully, and a comparison made.

Suspected poisoning. If the case be one of suspected poisoning, search should be made for bottles, boxes, powders, etc., containing medicines and other drugs. These should be seized, and evacuations by vomit, etc., of the deceased should be taken possession of. Such things should be put into clean vessels and placed under lock and key, and in charge of a constable until they can be removed. The whole house and all the effects of the inmates should be carefully searched for portions of poison, drug labels, etc.

Motive. It is essential that the motive for the crime be found out, and in preparing evidence for prosecution, the persons who can prove the motive should be brought forward and examined as witnesses. It should be ascertained whether the deceased was obnoxious to anyone, or if any person had any ill-feeling toward him, or a strong inducement to commit the crime, or an interest in his death, or whether the motive was one of robbery or revenge, or whether the plans for the murder were laid in such manner as to show that an intimate knowledge of the habits of the deceased was possessed by the murderer.

Statement of witnesses. After a thorough investigation of the body and the place where the body lays, it should be handed over to the coroner or dealt with according to his instructions. This will relieve the constable for the time being and give him an opportunity to interview the witnesses and collect evidence in the case. In no case should the constable leave the place without written statements, under oath, if possible, of witnesses, including relatives of the deceased. The advantage of this

is obvious. It prevents interference with witnesses during the time which elapses between the murder and the trial of the murderer, and also prevents to a certain extent the possibility of persons changing the facts, in order to favour either side of the case. It also gives a more accurate and descriptive story as it is told on the spot where the crime occurred, thus including details of position, time, and place which might otherwise be omitted.

Ante-mortem statements—

A dying declaration is admissible in evidence either for the prosecution, or for the defence, in a homicide case, and it is therefore necessary that great care should be exercised in the taking of them. No particular form is necessary, and it need not necessarily be in writing, but it should, invariably, be taken down in writing if this is at all possible. If it is a written declaration it may be as follows:

"Canada.
Province of } "In the matter of
"I, of
 (full names) (P.O. address).
entertaining no hope of recovery from my present illness, and
conscious that my death is imminent, I do solemnly and sincerely
declare that:
.....
 (here state very words used)
.....
"Taken before me at }
this day of }
19.... } (Signature of declarant).
.....
A Justice of the Peace
in and for the Province
of

The principal requisites to render such a declaration admissible in evidence against the accused are: 1. Death of declarant; 2. Cause of death of declarant must be the subject of inquiry; 3. Circumstances of death must be subject of declaration; 4. The declaration must have been made at a time when the declarant entertained no hope of recovery and was conscious that his death was imminent. Notice should, if reasonably possible, though this is not absolutely necessary, be given to the accused. Where the accused is brought into the presence of the witness making the declaration an opportunity to cross-examine the declarant should be allowed. Where the circumstances of the case do not admit of a justice of the peace, medical doctor, and accused being present when the declaration is being made, then and in that case the declaration should be made in the presence of disinterested and reliable persons and afterwards, if possible, reduced into writing, repeated in the presence of the declarant, accused, and justice of the peace and declared to by the declarant before the justice. It is well to have a medical man present, his evidence being of value as to the condition of the accused when the declaration was made. In cases of extreme urgency where the above formalities cannot in any way be complied with, an oral declaration in the presence of one disinterested witness should be taken.

Confessions—

A free and voluntary confession of guilt made by a prisoner, either in course of conversation with private individuals, or under examination before a magistrate, is admissible in evidence as perfectly legal and sufficient.

A confession in order to be admissible must not be extracted by any sort of threats or violence; nor be obtained by any direct or implied promise, however slight, nor by the exertion of any improper influence, but it must be entirely free and voluntary: and the onus of proof is upon the prosecution to establish that it is entirely free and voluntary. There is a distinction between a confession obtained before, and a confession made after arrest. The arrest itself constitutes an inducement or pressure upon the accused to speak, and in order to satisfy the onus resting upon the crown of proving that a confession made in answer to questions put by a constable to the prisoner was voluntary, it must be shown that the accused was warned that what he said might be used against him. It is well in such cases, after arrest, to tell the prisoner the nature of the charge against him, and inform him that he need not say anything to incriminate himself, but that whatever he may say will be taken down in writing and used as evidence against him.

Arrest—

Upon arrest the person of the accused should be at once searched. His clothes should be carefully examined and all weapons, documents, money connected with crime, taken possession of and labelled. In the case of money not connected with crime, it should be taken possession of and held to the order of the prisoner. The accused's house, lodgings, trunks, and any other of his effects should also be searched. The body of the accused should also be closely examined to see if he has been wounded or marked by the deceased in any struggle between them. The hat,

clothes and boots of the accused should be at once taken possession of and replaced by others in order that they may be examined for blood marks, etc. The clothes, etc., should be folded up in paper and sealed for examination. Upon a search of the accused's person having been completed he should be cautioned as to any statements he might make. Upon these things being all completed the constable should set about to find the nearest, or some other available, justice of the peace, and bring the accused before him for remand, in custody. The usual information and complaint should be made out, and laid, and the necessary papers issued to make the arrest regular and complete, and for the confinement of the accused pending the hearing of the case, on preliminary. The constable should attend the inquest, and also the preliminary, and keep notes of what happens, and report the facts of the case at the first available opportunity, continuing his own investigations into the crime and any other investigations ordered by those in charge of the case. This will continue until trial of the accused, after which event the constable will be relieved from all further duties in connection with the case.

Proof (or Evidence). Murder is culpable homicide, by an act done with malice aforethought. Malice aforethought is a common name for all the following states of mind: (a) an intent—preceding the act—to kill or to do serious bodily injury, to the person killed, or to any other person; (b) knowledge that the act done is likely to produce such consequences, whether coupled with an intention to produce them or not; (c) an intent to com-

mit any felony; (d) an intent to resist an officer of justice in the execution of his duty.

The border line between murder and manslaughter is uncertain and very much dependent upon, and liable to be changed by, circumstances. The plain test is, murder — killing meaning to kill, and manslaughter — killing not meaning to kill.

In murder there are three essentials to prove:

- (1) Death within a year and a day;
- (2) Killing, by the accused, with intent to kill; and
- (3) Absence of circumstances supporting a plea of self-defence.

Homicide in self-defence as such, occurs where a man being violently attacked is obliged to kill his assailant in order to save his own life. The right of self-defence proceeds from, and is limited by, necessity. It begins where necessity begins and ends where necessity ends, and therefore the defending party, in order to be excused, must exercise only such power, and apply only such instruments, as will simply prove effectual, and nothing more. In murder cases the evidence is very often circumstantial, and when this is so the evidence should be gathered with scrupulous carefulness, great caution, and particular attention to detail should be manifest throughout the gathering of the evidence in the case.

Perjury—

Facts. The essential part of the investigation in a case of alleged perjury is that dealing with, (a) the words of the statement, and (b) the administration of the

oath. The exact words uttered should be carefully collected. The manner of the administration of the oath should be carefully scrutinized. The essential part of the oath is the calling of God to witness the truth of what the witness testifies. This must be verified by statements of witnesses present. The false statement to constitute perjury must be sworn or affirmed to in some judicial proceeding, *e.g.*, a civil or criminal case, or in affidavits of justification by sureties, on bail. The inquiry into the matter should be continued further to ascertain the actual words used, and the intention with which the perjury was committed. Intent to mislead the tribunal is an essential element, and the motive must therefore be shown.

Proof. The following must be proved:

1. Intent to mislead;
2. Falsity of words used;
3. Knowledge of falsity by accused;
4. Record of judicial proceeding;
5. Corroboration.

The material particular in which corroboration is necessary is the falsity of the statement alleged as perjury.

Rape—

Facts. The following facts should be ascertained:

1. Credibility, and good fame of complainant;
2. Marks of violence on person;
3. Time of day and place of offence;
4. Evidence of struggle, or out-cry;
5. Distances to houses or individuals; and
6. Clothing and condition.

The arrest of the person charged should immediately follow the investigation, and his person searched, and clothing examined, and detained. Also without delay the woman should, with the consent of her parents, if under age; or herself, if over age, be examined. Any stained clothing should be kept as an exhibit.

Proof. The essentials to prove are:

1. Penetration;
2. Forcibleness;
3. Corroboration.

There must be some resistance up to a point of being overpowered by actual force, or of inability from loss of strength longer to resist, or from the number of persons attacking, resistance must be dangerous or absolutely useless, or there must be dread or fear of death. In ordinary cases of rape evidence of complaints made soon after the occurrence of the outrage, is admissible to show, credit, and possible accuracy of recollection, but are not much greater in value than this, as evidence. The credibility of the story of the witness must in all cases be thoroughly sifted. It is a matter which the jury appreciate according to the circumstances. If she be of good reputation, and if she make known the offence and seek out the offender without delay, or if the accused take flight, all such circumstances as these will help the probability of the evidence. If, on the other hand, her reputation is bad and her evidence be uncorroborated by the testimony of other witnesses; if the place where the alleged outrage took place is one where she might have made herself heard and she

made no outcry—these will all have a tendency to throw doubt on her evidence, especially if it is flatly contradicted by the accused.

Theft—

Facts. The first inquiry to be instituted into the facts is that with regard to the thing stolen. An accurate description of the stolen articles should be taken and, if not found immediately, should be circulated, copies being sent to the police in neighbouring towns for their information. A search warrant should be obtained and junk shops, local small second-hand dealers and pawn-brokers' shops should be visited, if there is any likelihood of their having possession of them. Careful search of adjoining premises, outhouses, sheds and farms for traces of the thieves or the stolen property should be made. The ground under the windows and around the house should be closely examined, and if footmarks are found they should be guarded till impressions are taken of them. If there is any cause to suspect that the theft has been effected by any person inside a house the movements of the whole household should be enquired into. It must be remembered that stolen articles, especially jewelry or money, may be secreted between mattresses, in writing cases, work-boxes, baskets, between leaves of books, the folds of clothes and linen, underneath table covers, in boots and shoes, and even in the mouth. The constable should always have a search warrant when searching for stolen property, and when searching any premises should ask permission of the owner or occupant, first, and if refused, then act on the search warrant without permission.

Cattle stealing is a very serious crime and calls for special intelligence. As in all other cases of theft, a description of the cattle stolen should be obtained. This should be absolutely accurate as to size, age, colour, brands, sex, and special marks. Then inquiry should be instituted as to when and where the cattle were last seen, paying particular attention to the hour when and the place where, and the description of the person in whose possession. Tracks should be followed and diagrams made and footprints closely watched. Shoe prints of horses should have special attention. Inquiry at houses, farms, or stopping places along the road or in the neighbourhood should be made for persons and animals who or which answer the description. Inquiries should also be made of the residents of such places as to whether they have seen or heard anything passing in the night. Hide dealers and yards should be visited, and search made for all hides sold in the locality of the theft. Should the cattle be found without any person in charge of them they should on no account be immediately removed, but should be watched, night and day, to see who comes for them, thus catching the thief in actual possession. Where the animal is likely to have been slaughtered search should also have been made on the farm of any suspected persons for newly dug earth, and for blood stains on any axes or other sharp instruments in sheds and outhouses. The barns should also be examined to see if there are any carcasses hanging up, and if found an explanation demanded.

Proof. The essentials to prove in a case of theft are:

1. Intent;
2. Existence of article capable of being stolen;

3. No colour of right;
4. Ownership in individual or corporation; and
5. Taking and carrying away, from owner, without consent.

The essence of theft lies in the wrongful taking, out of the possession of the true owner, without his consent.

Threats (Letters).

Facts. First ascertain who is the most likely person to send such letters; how the letters were sent, whether through the mail, or delivered or posted, or otherwise. It very often happens that one, or even two persons, write the letter, and possibly a third posts the same through the mail. This is very important to bear in mind, as it is the sending or publication of the document which constitutes the offence. To obtain proof of the handwriting the constable should go to the suspected person and get him to write a similar letter, or words from the letter, and then make a comparison. In regard to comparison of disputed writing with genuine, sec. 8 of the Canada Evidence Act regarding the admissibility of such should not be lost sight of in this connection. Letters written by a suspected person to others should also be collected and comparison made with these, also. It may happen that the letter or notice has been stuck up or written on a door or free, so that passers-by may see it. This is the most difficult case of all to prove. Persons seen near the spot should be interrogated and required to give an account of their movements. Time and place are essential matters to be proved.

In the case of obscene publications these should be confiscated and, if not held as evidence, destroyed. If the obscene publications are printed in pamphlet form these should be collected and the name of the printer, and type-setter, located.

Proof. In the case of threatening letters it should be noted that there is something beyond the mere threat to be proved. Under section 265, it is threats to kill or murder. Under section 451, it is demanding property with menaces. Under 452, it is demand of property with intent to steal. Under section 453, it is threats of accusation of having committed a capital or infamous crime. It will be seen therefore that in each case there must be proof of the nature of the threat and beyond that, in some instances, writing. In the case of obscene publications there are two perfectly distinct classes of crime: (1) posting (sec. 209), and (2) publication (207). It is very doubtful whether a letter which is enclosed in an envelope, the outside of which bears no obscene publication, amounts to a crime. This will be seen from a careful reading of sec. 209 (b). Shortly, the essentials may be said to be:

1. Writing;
2. Publication;
3. Threatening or obscene as case may be; and
4. Special kind of threat according to the section under which it is an offence, *e.g.*, to kill, to burn, etc.

Obscene language is such indecency as tends to the violation of law and to the corruption of morals.

Summary—

Although the perpetrator of a crime may be known, it is nevertheless a very difficult matter to bring home the crime to him, beyond a reasonable doubt, such as the law requires. The law requires evidence, the investigator is often content merely with facts. This is where most criminal investigators fall down. They do not distinguish facts from evidence. Evidence is the proof, oral or documentary, of events that have happened. In order to prove these events and happenings there are strict rules of evidence. It would be well for all criminal investigators to be familiar with at least the most important of them, especially those contained in the Canada Evidence Act, ch. 145, R. S. C. An endeavour should always be made to obtain a definition of the crime, and then gather proof of all the essential elements which appear in the definition.

He will not even then have obtained all the proof that is necessary, but this is the very least upon which he should go to trial.

Assuming that the investigator has been able to obtain the legal proof of the commission of the crime, this does not mean that he is sure to obtain a conviction upon that alone. The weight of the evidence may depend on the demeanour of his witnesses, and in preparing the case for the court the witnesses may have to be taken in hand. Simplicity, minuteness, and ease are the natural accompaniments of truth and the language of the witnesses should not be laboured, cautious and indistinct. Consequently the investigator will in many instances have to

coach a witness how to answer questions and also how to bear himself in court. He should not allow the witness to appear in court and have as a result an over-zealous witness on behalf of his party. He should be placed on his guard against: exaggeration of circumstances, answering without waiting, forgetting facts, replying evasively, flip-pantly, or indifferently. An ideal witness is one whose testimony is given with: calmness, simplicity, naturalness, and with great attention to detail. It cannot be too strongly impressed upon all persons investigating crime that even the greatest delinquents cannot be brought to justice by means which are not justifiable. Intelligence, judgment, tact and untiring patience, should be sufficient to secure him all that is necessary without unjustifiable practices. Every criminal investigator should have a record for strictest integrity, and if this is obtained it will be far more valuable than all the convictions he can ever obtain in a court of law.

CHAPTER III.

PROSECUTING CASES IN COURT.

A constable often has to conduct a criminal prosecution before a justice of the peace, and sometimes before police magistrates. He should therefore be familiar with the way in which a case is put before the court. With a view to showing as clearly as possible how this is done, the case is dealt with from two points of view, namely, (a) preparation, and (b) presentation.

Preparation—

Assuming that criminal proceedings have been instituted, it will be seen that these must ultimately reach the court, unless previously withdrawn. At whatever stage in these proceedings the constable takes hold of the case, he should bear in mind his primary duty to place before the court all the facts in the case, both for and against the accused. The constable should begin by marshalling the facts, that is, getting them together in correct order, according to dates, importance, and general requirements. All statements of witnesses should be gathered together, along with all crime reports, and memoranda as to the case, as well as copies, or originals, if possible, of documentary exhibits. The mass of detail obtained from these should be sifted and then tabulated in chronological order, with the day and hour of the happening of each event, no matter how small or apparently

unimportant it may seem. If the period of time covered by the various transactions does not exceed in the aggregate many days, each day may be dealt with on a separate page as follows:

Tabulated Statement.

Year	Day	Hour	Facts	Witness Exhibits	Code Section
1901	8th Jan.	....	L.S. born at M.	Bible & C.M.	
1913	8th Jan.	....	L.S. 12th birthday.		
1913	Spring	....	L.S. first meets accused.	Mrs.E.	
1913	Spring	....	First attempt to commit offence: facts..		
				
1914	8th Jan.	....	L.S. 13th birthday.		
1914	.. June	....	L.S. left at home. Mrs. E, away.		
1914	.. Nov.	....	Indecent assault: facts		
			.....	J. G.	292
1915	.. Jan.	....	Particulars of offence:		
				
1915	.. Mar.	....	Complaint to:	J. H.	298
			with reference to....		1002
1915	1-15 Mar. Sunday		Further happenings...	J. G.	
1915	Sept.	....	Drugs purchased: facts		
			.....	Store	305
1915	15th Sept.	....	Medical examination..	Dr. F.	
1916	4th June	....	Information laid for..		292
					305
					301

The final result thus obtained will give step by step what happened in the case, and will also be invaluable in showing the missing links in the chain of evidence. In a case of theft, for example, it might clearly show in detail how, when, and where the article was stolen, and may also show that it was found in the possession of the accused, but it might not show conclusively that it was the hand of the accused which did the actual taking and carrying away, and after all that is the very essence of the crime. This final result should be very carefully checked, read over slowly, and each step in the crime closely noted, and, if possible, committed to memory.

The next step is to look up the Criminal Code of Canada, and obtain a definition of an offence, which as nearly as possible resembles the circumstances contained in the tabulated statement. It is just at this point that a false step may be made. The endeavour should never be to make up a crime, but rather to find out if the facts, as found, or to be found, do actually constitute a crime. There are many things done which, morally, are not right, but they are not crimes, in the sense of being prohibited on pain of punishment. In every case, therefore, the facts should be analysed with that point firmly fixed in the mind. It is not only useless, but it is wrong, to try to establish, or as it were frame up, facts against any particular individual in an endeavour to convict him of a crime which he may never have committed.

The constable must not confuse this with his duty to obtain all the true facts, in respect of which details are lacking or not then known. It is not only right, but it is

the duty of every constable, to ascertain all these facts, and particularly to pay great attention to the facts which will establish the guilt or innocence of the accused, because negligence in this respect may result in the conviction, on circumstantial evidence, of a person who may be innocent, but against whom there is a weight of such circumstantial evidence that a reasonable inference can be made that he could have, if he wished, committed the crime.

Having found the definition of the crime disclosed by the facts, the constable should then look to see that the information laid in the case has been rightly drawn to cover the crime disclosed. It will often happen that there is a variance between the information and the evidence disclosed. Although such a variance is not always fatal to the case, yet it may be so far removed from the crime committed that evidence which would otherwise be admissible, becomes inadmissible. It is well, therefore, to see that the two coincide and, if they do not coincide, then draft a proper information and have it ready to amend the one already drawn, when the case comes into court.

The constable will now be in a position to know what crime there is to be proved, and his next step will be to set about finding out how he is going to prove it, beyond a reasonable doubt, to the satisfaction of the court. Taking the definition of the crime he has to prove, the constable should pick out the essential elements in the definition. In the case of seduction under promise of marriage, for example. In section 212 of the Code it says: "Every one above the age of twenty-one years is guilty of an indictable offence and liable to two years' imprisonment who,

under promise of marriage, seduces and has illicit connection with any unmarried female, of previously chaste character and under twenty-one years of age." It is obvious that a constable taking a preliminary enquiry will have to establish: (1) accused is over 21 years of age, (2) that he promised marriage, (3) that he seduced her under that promise, (4) that he had also illicit connection, (5) that the female was unmarried at the time, (6) that the woman was of previously chaste character, and that (7) she was under twenty-one years of age. Not only must he prove these, but he must prove them legally, that is according to the laws of evidence. That is to say, laws with regard to the admissibility of evidence, corroboration of evidence, and generally, will all have to be taken into account before he has dispersed all reasonable doubts as to the guilt of the accused.

The constable will have arrived at the stage when he thinks that he can, beyond the shadow of a doubt, prove to the satisfaction of the court a case against the accused. It is only then that he should be prepared to go into court. There is however still one thing to be done before actually going into court and that is to marshal the witnesses. In a great many instances the witnesses will have come long distances, and not being in familiar surroundings, are hardly in a fit condition to directly give their evidence. At least the principal witness (and any other witnesses for the prosecution if available) should be interviewed and their personal wants attended to. Statements made on previous occasions should be gone over and the witness allowed to refresh his memory as to what he has already

said on the subject, and to familiarise himself again with all the details. The manner in which he should give his evidence and the procedure of calling him to the box and the manner of taking an oath, are all matters with which he should be familiar. In the case of a child of tender years who is to give evidence, it is allowable to instruct the child as to the nature of an oath, although it is of course not allowable to instruct the child as to the nature of what she should say. She must be allowed to tell her story in her own way with her own mannerisms, and the only object to be obtained is that her evidence be under oath, so that it will not necessarily have to be corroborated under section 16 of the Canada Evidence Act.

Prior to going into court the constable should gather together all his papers, documents, and other material he wishes to use in the case as exhibits, and armed with his Criminal Code, he will then be in a position to appear in court and present his case, believing in the absolute justice of his cause.

Presenting the case—

A constable cannot do justice to his cause without being familiar with the general rules of evidence. The principal Act dealing with evidence in the criminal court is the Canada Evidence Act, ch. 145 of the Revised Statutes of Canada. A few of the provisions which constantly arise are here dealt with. They have regard to:

(a) **Husband and Wife (sec. 4).** It should be distinctly noted that there is a difference between evidence given by such persons for the defence, and evi-

dence given for the prosecution. In the first paragraph of section 4, the words "competent witness for the defence" appear, and in sub-section 2 the words "competent and compellable witness for the prosecution without the consent of the party charged" appear. But the said sub-section 2 only permits the use of this evidence in certain cases, namely, offences against any of sections 202 to 206 inclusive; infamous offences, 211 to 219 inclusive; seduction, etc., 238, 239; vagrancy, 242a, 244, 245; neglect to provide necessaries, 298 to 302 inclusive; rape, etc., 307 to 311 inclusive; bigamy, etc., 313 to 316 inclusive; abduction, etc., of the Criminal Code. It is to be noted also that the failure of the person charged, or of the wife or husband of such person, to testify cannot be made the subject of comment by the prosecutor, or for that matter, the judge.

(b) **Incriminating answers (sec. 5).** Although a witness is not excused from answering a question which may tend to criminate him, yet by sub-section 2 of section 5, it will be seen that a witness may object to answer, and if he does object, then the answer so given cannot be used as evidence against him in any criminal trial.

(c) **Previous convictions.** Under section 12 a witness may be questioned as to whether he has been convicted of any offence, and upon being so questioned, if he either denies the fact or refuses to answer, the opposite party may prove the conviction. It must be remembered that there is great danger in

attempting to prove a conviction at the wrong time during the proceedings. Some Acts, for example the Liquor Act, say distinctly that this cannot be done until he has been found guilty on the then pending charge. Other Acts allow the previous conviction to be proved when the offence has, during the evidence in respect of the pending charge, been proved, not necessarily after conviction. So it is necessary to ascertain under the various Acts the time when, and the manner how, such previous conviction may be admitted in evidence. In default of any such, then the provisions of section 12 will regulate the manner also of the proof. It must never be forgotten that not only proof of the conviction is necessary, but also proof of the identity of the person convicted, with the prisoner in the dock. It very frequently happens that this is omitted.

(d) **Child's Evidence.** Where a child of tender years is offered as a witness, and such child does not, in the opinion of the judge, justice or other presiding officer, understand the nature of an oath, the evidence of such child may be received, though not given upon oath, if, in the opinion of the judge, justice, or presiding officer, as the case may be, such child is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth. It is further provided that no case shall be decided upon such evidence alone, and such evidence must be corroborated by some other material evidence. This is by virtue of section 16 of the Canada Evidence Act.

(e) **Proof of Documents.** It is allowable to prove Government Proclamations, etc., by copies of Official Gazettes, King's Printers' copies, etc. (sec. 22); official public documents of province or municipality by copies under seal of corporation, and hand of ~~presiding~~ officer, clerk or secretary (sec. 24). It is to be noted however that under section 28, no copy of any book or other document can be received in evidence under the authority of sections 23, 24, 25, 26, 27 of the Canada Evidence Act upon any trial unless the party intending to produce the same has before the trial given to the party against whom it is intended to be produced, reasonable notice of such intention. It cannot be less than ten days. This is by virtue of section 28 of the Canada Evidence Act.

There are also in addition to the provisions of the Canada Evidence Act, several accepted rules of evidence, the most familiar of which is the one which prevents hearsay evidence, under ordinary circumstances, being admitted in evidence. Some of these rules are contained in the Criminal Code, and attention is here drawn to the following sections: Sec. 989 (cattle cases); sec. 994 (receivers of stolen property); sec. 1000 (depositions used in another trial); sec. 685 (admission or confession); sec. 985 (character of gaming house); sec. 986 (house being a disorderly house); secs. 980, 981 (counterfeit coin and money); sec. 987 (gaming in stocks); sec. 1002 (corroboration); sec. 984 (proof of age of boy or girl); and sec. 1001 (statement of accused).

A note of the sections dealing with the matter in hand should be made by the constable, and marked on the tabulated statement for ready reference in case same may be required.

Assuming that the constable has now arrived in court, the first step is to await the arrival of the magistrate, and wait until the case is called. Immediately the magistrate calls out the case the constable should take his place beside the witness stand or table, and have seated beside him the first, or principal witness, he intends to call. The magistrate will look over the information and complaint and will then address the accused, reading the charge to him, and in case of a trial ask him to plead, but in the case of a preliminary enquiry this will be omitted. The constable should be ready at a moment's call to put his first witness on the stand, and this he will do as soon as the magistrate signifies that he is ready to proceed or otherwise shows that he is waiting for the prosecution to begin. The constable may be on the point of rising to open his case when the defending counsel or his representative may have risen at the same moment and placed before the court some objection to the case proceeding. This is a common practice, and the constable should be in a position to answer the objections, and, if necessary, amend the information, or substitute another and have it sworn. If the objections are not allowed by the court there will be no necessity to do this, unless an opportunity is desired to amend the information for some other cause.

The objections having been dealt with the case will proceed and the first witness called. All other witnesses

should be excluded from the court room while the witness is giving his evidence. An application to the court to have them excluded is necessary. The witness is sworn according to his religious belief. The oath most binding on his conscience should be administered. The witness then gives oral testimony of the facts of the case as he knows them, the story coming from him, not prompted by the prosecutor and not led. Leading questions are not allowed. Care should be taken to see that the witness can identify the exhibits, and while in the witness box he should be asked to do this. On having first been identified, then the witness can go on with his story as to what part the exhibits played in the crime, thus connecting the exhibit with the crime. Upon the conclusion of the examination of the witness in chief, as it is called, the defence has the opportunity to cross-examine, and considerable latitude is given in cross-examinations. Questions can be asked, including those which are leading, which will have for their object the ascertainment of the truth of the story, and its completeness. Details are disclosed in cross-examination which oftentimes are unknown to the prosecutor, and the constable should make a note of them when they occur, so that he will have them for future reference. Fairness in the manner of examination by the constable is advisable. In case of dispute the constable must take the ruling of the court with good grace, even though he may think it a wrong decision. He may argue strenuously before the decision is given, but he must not argue at all after it is once given, as it can do no good, and perhaps will do considerable harm to his case. If he

has failed to bring out certain facts by reason of the decision of the court in regard to one witness he may be able to bring these facts out through another witness.

When all the witnesses for the prosecution have been examined, the constable should see that he has brought out all the essential features of the case. Before finally closing his case, he should check over the details in the evidence as shown by the tabulated statement, and if there are any documents to be put in such as orders in council, proclamations, by-laws, analysts' certificates and others which need no proof by a witness, he can put them in at this stage. These documents should be handed to the magistrate and explained as to their contents. Of course, it is not possible to put in documents through a witness who cannot identify them, and in many instances documents can be put in at this stage which otherwise might be omitted to be proved. A general survey should be made to see that, (a) all witnesses have been examined, (b) all exhibits are identified, and (c) that all essential elements of crime are proved beyond a reasonable doubt. This being done the case will be closed for the prosecution.

The next step depends upon whether the case is a preliminary hearing or a trial. At a preliminary enquiry the magistrate at this stage reads over to the accused the statement form of the accused under section 684, after reading to him the evidence for the prosecution. In a trial, other than a preliminary, the defence, at the close of the case for the prosecution, sometimes makes an application for dismissal of the case. If this is allowed nothing further takes place, if refused the case continues,

the defence examine their witnesses in chief. The constable will have the right to cross-examine them in turn. In cross-examination the constable's object should be with the view of testing the truth of the story told by the witnesses for the defence. It may be used for obtaining evidence to supply the weak places in his own case with a little strength where needed, but that is not the principal object of cross-examination. If he establishes the fact that the witness is fabricating evidence it is much more likely to have effect on that witness's evidence than to establish one or two minor details omitted from his own case, for after all the case for the prosecution must be proved by the evidence of the prosecution, and that beyond a reasonable doubt.

Upon conclusion of the case for the defence, the court generally takes time to consider its decision. It may, and usually does, ask the counsel or agent for prosecutor and defendant to address the court. In any argument such as this before an inferior court, the constable is not urged to unburden the whole statutory and case law on the court. Common sense argument, along with reference to statutes of the province and dominion, giving section and page, is far better than a lengthy address. The essential elements of the crime may be pointed out to the court as shown by the definition of the crime in the Criminal Code, and then attention respectfully drawn to the fact that the witnesses for the prosecution have proved all of them, giving the names of the witnesses and just what essential element each proved. At the conclusion of the argument, if any, the court will give its decision, and the

constable should make a memorandum on his papers as to what the decision is. The proper documentary records, warrants and exhibits should be carefully collected together and handed to the magistrate to be sent by him to the proper record office, and when the constable sees that this has been done, his case will have been both prepared and presented, and in respect thereof he will be relieved of further duties in court, so far as that particular case is concerned.

CHAPTER IV.

LEGAL AND GENERAL INFORMATION.

Admissibility—

This term applies to evidence. It is said that hearsay evidence is inadmissible. There are rules of law respecting the admissibility of evidence and in a particular way relating to: dying declarations, conversations, accomplices' evidence, confidential communications, declarations at time of commission of offence, evidence in rebuttal, and documentary evidence. The question in all cases is, whether the rule has been complied with so as to allow the court to take them into account, in finding the accused guilty or not guilty, according to the evidence.

Adverse—

As applied to a witness means one who, in the opinion of the presiding judge, is hostile. A witness is not adverse merely because his evidence is unfortunate to the party calling him. The rule of law which permits a party to contradict his own witness, when adverse, is dealt with in section 9 of the Canada Evidence Act, R. S. C. ch. 145.

Affidavit—

An affidavit is a written statement, upon oath, taken before a person duly authorized to administer an oath. As to affidavits made in Alberta, see Alberta Evidence Act, ch. 3, 1910.

Affirmation—

Persons objecting, from conscientious motives, to be sworn in criminal proceedings are permitted to make, instead, a solemn affirmation, in the following manner: "I solemnly affirm that the evidence to be given by me shall be the truth, the whole truth, and nothing but the truth."

Ante-mortem Statement (see Dying Declaration).**Arrest—**

It is the duty of everyone, executing any process or warrant, to have it with him, and to produce it, if required. This is emphatically laid down by section 40 of the Criminal Code of Canada. Furthermore, it is the duty of everyone, arresting another, whether with or without a warrant, to give notice where practicable, of the process or warrant under which he acts, or of the cause of the arrest. Arrest is of two kinds: 1, on warrant, and 2, without a warrant. In either case the arrest should be actual and complete. Once made it should never be relinquished. The constable should not content himself merely with securing the offender, but should actually arrest him, so that, if he escape, or is rescued by others, he or they may be subject to the penalties. To constitute an arrest the party should, if possible, be touched by the constable, who should say, "I am a constable and arrest you for . . .," or, "In the name of the King, I arrest you," or, "You are my prisoner." Bare words will not make an arrest without laying hold of the person, or otherwise confining him. A person will however be considered

under arrest if he submits himself by word and action to be in custody, and possibly, where a peace officer comes into a room and tells the party he is arrested, and locks the door. Under section 40 of the Criminal Code of Canada, it is, as has already been said, the duty of a constable to have a warrant with him when making an arrest, and to inform the person arrested of the cause of arrest, and if required, to produce the warrant. All persons are subject to arrest when charged with the commission of a crime, and may be arrested either by day or night, and on Sunday, and anywhere. No place affords protection against the criminal law. The necessity is that of a proper warrant, or power to arrest, without that warrant. If a prisoner escape he may be retaken, and in immediate pursuit the constable may follow him into any place or any house. If a constable finds that his exertions are insufficient to effect the arrest he ought to warn one or more of the persons present to assist him, and it is an offence under section 167 of the Criminal Code of Canada for any person so called upon, to refuse or neglect to aid, a peace officer in arresting offenders. Immediately upon arrest the constable should warn his prisoner in the proper manner, and search him for offensive weapons, or stolen property. In arresting any person the constable should make a note, mental or otherwise, of the circumstances accompanying the proceedings. These notes will frequently be of importance. It is most desirable that the constable should be vigilant to observe and remember all that takes place, and he cannot trust to his memory, but

should make a written note at the first available opportunity. These original notes should never be destroyed until the case is concluded.

Arrest on a warrant. A warrant is an authority, under the hand of a justice of the peace, or judge, addressed to some peace officer, to arrest an offender, to be dealt with according to law. All warrants for indictable offences may be executed on Sunday. A constable having received a warrant should proceed with all speed and secrecy to execute it. If it cannot be executed immediately, it should be executed as soon as possible afterwards. He should show his warrant in all cases, and read it if required to do so, but he should never part with its possession, as it may be wanted afterwards for his own justification. The direction of the warrant must be strictly observed or the party executing it will not be justified in his acts. When executed, the warrant should be folded and endorsed with date, hour and place of execution, and signed by the constable. Warrants sometimes are defective and the constable might well look over any warrant handed to him for execution. A warrant to arrest should state: 1, specific offence; 2, time and place of commission of offence; 3, fact that information has been made under oath, and 4, full names of person to be arrested. It should be properly dated and signed by the justice of the peace, or judge issuing the same. Where the name of the accused is not known, there should be inserted in the place left for his name the following words, "person, to be identified." It is of the very essence of a warrant of arrest that it should be so framed that the constable

will know upon reading it whom he is to take, and further that the party upon whom it is executed should know what he is arrested for. It is always advisable when time permits to procure a warrant for the arrest of an offender, as a constable acting under the authority of a warrant is in a better position to follow and arrest the offender than a constable without a warrant. If the warrant is found deficient in any particular, it should not be executed, but should be taken to the justice who issued it and the defects rectified. If the accused person escape into another province or territory it is necessary that a further endorsement, called "backing the warrant," should be made on the warrant. Although the criminal law extends throughout Canada, yet a warrant of arrest, without being backed, is only good for execution within the boundaries of the province in which it is issued. The procedure to adopt in order to make a warrant regular in another province than that in which it was issued, is set out in section 662 of the Criminal Code. The endorsement is made by a justice having jurisdiction where the accused is, upon proof, on oath, of the constable, as to the signature of the issuing justice. In the case of fresh pursuit a distance of seven miles into the adjoining territory can be made without having the warrant backed.

Arrest without a warrant. There is a right, both under the common law, and by statute, to arrest without a warrant in certain cases. A peace officer may arrest without a warrant anyone whom he finds committing any criminal offence. The other cases in which a constable can arrest without a warrant are to be found in section

646 *et seq.*, of the Criminal Code. There are special provisions in regard to: (a) fresh pursuit (sec. 649), (b) persons loitering at night (sec. 652), suspected procurers (sec. 652 (a)). It is, of course, necessary in the effective administration of justice that peace officers should occasionally effect an arrest in contemplation of a warrant, and generally they would suffer no penalty under the law if the arrest be made for an indictable offence already committed, and the person arrested supposed, upon reasonable grounds, to be the offender. In all such cases there must be very good grounds for making the supposition, and the good judgment and common sense of the constable will in such cases be necessary. The constable will at times receive telegrams asking him to arrest persons suspected of crime. If the telegram comes from outside Canada, then as the case would be one for extradition, the constable should immediately notify his headquarters, and ascertain any special instructions that may be necessary in such cases. If the telegram is sent within Canada in reference to a crime committed within the boundaries of Canada, then it might be acted upon if coming from a reliable source, such as chiefs of police, sheriffs, etc. In all cases before acting upon a telegram the constable should be assured in his own mind that it is genuine. A mere telegram is not sufficient to hold a person arrested, and some authority, in the nature of a warrant, should be forthcoming, or the person arrested will assuredly be released on habeas corpus, if application is made. The constable could lay information, and have a warrant issued, if the facts contained in the telegram are sufficient to give

him reasonable and probable cause that a crime has been committed and the nature of it. The constable should make it a rule before starting out to arrest a man without a warrant to find out: 1, who gave the information; 2, who the accused is, and 3, the general probability of the facts.

Backing warrants—

Where a warrant granted in one jurisdiction is required to be accepted in another, as where a felony has been committed in one province, and the offender is in another province, then on proof of the handwriting of the justice who granted the warrant, a justice in such province where the accused is, endorses or writes his name on the back of it, and then gives authority to execute the warrant in such other province. The provisions of the Criminal Code respecting such procedure is, with regard to indictable offences, contained in section 662, and with regard to summary matters, in section 712, and with regard to warrants of distress, section 743, and with regard to fugitive offenders, section 9 of the Fugitive Offenders Act.

Bail—

This is the setting at liberty of a person arrested, or imprisoned, on security being taken for his appearance on a day and place certain, which security is called bail, because the party arrested or imprisoned is delivered into the hands of those who bind themselves or become bail for his due appearance, when required, in order that he may be safely protected from prison, to which they have,

if they fear his escape, the legal power to deliver him. The rule as to bail is contained in section 696 of the Criminal Code of Canada and it is very important. In the case of an indictable offence, bail is either: 1, before, or 2, after, committal. Before committal, a justice may grant bail under section 696, after committal he cannot grant bail. Under section 699 every person, except a superior court judge, is barred from giving bail in charges of treason and other capital offences. The procedure after committal is that laid down in section 700, which requires the order of a judge. Recognizances of bail should be acknowledged by the sureties, who should justify as to the value of their property, and right to be sureties.

Bench warrant—

A warrant for apprehension of a person issued by a judge on the bench. It is commonly issued to arrest persons at large under indictment. The procedure is regulated by section 879 of the Criminal Code.

Caption—

Is that part of a legal instrument, such as a deposition, which shows where, when and by what authority it is taken, found, or executed. It is not necessary in making up a record of conviction or acquittal as it is so provided in section 914 of the Criminal Code, but it is indispensable to a deposition, as it is specially required by sections 682 and 683, and form 19 of the Criminal Code of Canada.

Certiorari—

Is to remove a conviction or order, or other proceeding, before an inferior Court, to a higher court. It is

obtained by notice of motion under the Crown Office Rules, and after six months from the conviction an order is not usually made on *certiorari*. There are certain provisions respecting the exercise of the right in sections 1122 *et seq.* of the Criminal Code.

Colour of Right—

Is an honest belief in a state of facts, which if such state of facts actually existed, would be a legal justification or excuse, because that takes away from the act its criminal character. The expression is to be found in sections 57, 58, 317, and 709 of the Criminal Code. In the case of an assault in which any question of title to land is involved the justice has no jurisdiction, as this is taken away by section 709 of the Criminal Code.

Complaint—

The term is applied in criminal procedure to the form of information and complaint, by which criminal proceedings are commenced. The authority for the issue of an information is under section 654 of the Criminal Code, which provides that anyone who, upon reasonable and probable grounds, believes that any person has committed an indictable offence under the Criminal Code may make a complaint, or lay an information, in writing, and under oath, before any magistrate or justice, having jurisdiction, to issue a warrant or summons against such accused person in respect of such offence (form 3). In summary conviction matters, under section 710, it is not necessary (but it is always advisable), that a complaint upon which a justice may make an order for the payment of money

or otherwise, shall be in writing, unless it is so required by the particular Act or law upon which the complaint is founded. It is worthy of note that section 710 deals with summary matters only, and provides: 1, that an information in such matters can be made without oath or affirmation unless specially required by some other Act: 2, that an information in such matters shall only cover one offence: 3, that an information in such matters can be laid by the person himself, his counsel, or a person authorized by him (sec. 710). It is advisable that the information and complaint should be well drawn up. An information and complaint in a summary matter should contain: 1, Informant's name; 2, informant's occupation and address; 3, date and place where laid; 4, name and style of justice; 5, name, address and occupation of person charged, or, if unknown, some description or person to be identified; 6, a concise legal description of the offence charged, so that there is present all the requirements of the statute, including recitals of previous convictions where the information is for a second and subsequent offence. It should be noted that in offences dealing with liquor and houses of ill-fame, that the street number and exact location must appear in the information, and a conviction made on a faulty information in this respect will be quashed on appeal.

Compounding Offences—

Compounding is arranging or coming to terms. Compounding a felony is where the party robbed not only knows the felon, but also takes his goods again, or other amends, upon an agreement not to prosecute. It is no offence at

common law to compound a misdemeanour (unless virtually an offence against the public), for the injured party may maintain an action to recover compensation in damages. This distinction between felonies and misdemeanours has been practically abolished, and it would appear by section 181 of the Criminal Code that compounding any act against any person under any penal statute, might be the subject of criminal indictment.

Confession—

This is the acknowledgment by a criminal of the offence charged against him when called upon to plead to an indictment, or when charged with the offence. A confession before trial, if given without any inducement of favour or threat of punishment, is evidence against the person charged, even though he may be in custody. It is usual before accepting such a confession to give the accused person clearly to understand that he has nothing to hope from any promise of favour, and nothing to fear from any threat which may have been held out to him, to make any confession of guilt. It must always be remembered that the burden of proving that a confession was free, and voluntary, is upon the prosecutor. The admission of confessions as evidence is regulated by section 685 of the Criminal Code of Canada, and the decisions thereunder.

Contempt—

This is a disobedience to the rules, orders, process or dignity of a court, which has power to punish such offence. Contempts are either: (1), direct, which only

insult or resist the powers of the court, or the persons of the judges, who preside there, or (2), consequential, which without gross insolence or direct opposition, plainly tend to create a universal disregard of their authority. Contempt may also be divided into acts of contempt committed in the court itself or out of the court. Among those committed in court are: unseemly behaviour, refusing to be sworn as a witness, refusing to answer questions, interfering with the business of the court. Among the matters out of court are: intimidation, corrupting witness, corrupting jurors, interrupting officers of the court in discharge of their duties, speaking or writing disrespectfully of the court. Certain powers for preserving order in court are given to various officials by sections 607 and 608 of the Criminal Code of Canada.

Conviction—

The act of a legal tribunal adjudging a person guilty of a criminal offence. There must always be some record of a conviction. It is usual to make a minute of conviction and from that prepare a formal conviction. In summary matters every justice who convicts must, under section 727 of the Criminal Code of Canada, make up a formal conviction, and he may, and should, in all cases make a minute of conviction as provided in said section. The forms of conviction vary according to the circumstances of each particular case, depending a good deal on whether the conviction is for a first, second or third offence. The forms are contained in Criminal Code forms 31, 32 and 33.

The following points should be particularly noted: 1, convictions must be under seal; 2, variation between

conviction and minute of adjudication may be a ground for quashing same; 3, amendments to the minute of conviction can be made by bringing accused before the justice, before a formal conviction is made out; 4, the evidence necessary to sustain a conviction must be reasonably sufficient and certain to show that the offence charged has been actually committed; 5, a formal conviction may be drawn up at any time before return on certiorari; 6, a conviction may be amended; 7, the place for filing a conviction is the court office; 8 in the case of second and subsequent offences the conviction and information, to be regular, must recite the previous convictions; 9, the offence must have been committed within the time limit; 10, blanks should not be left in minutes of adjudications or convictions; 11, the justice has power to discharge the offender on suspended sentence, but only in cases under section 729 of the Criminal Code of Canada. In the case of summary trials of indictable offences, a conviction for such has the same effect as if the conviction were made on indictment. The form of conviction to use in such cases is form 55, under section 799. As to what invalidates a conviction, and what does not, see section 1124 of the Criminal Code and the decisions made thereunder.

Coroner—

Is a King's officer. His powers and duties are regulated by the Coroners Act, and also by section 667 of the Criminal Code. A coroner's court is a court of record. A coroner's inquest is invalid if held on a Sunday. As to the procedure and general practice in coroner's court, see Boys on Coroners, and McMahon's Practical Guide to the Coroner.

Corroboration—

This is evidence in support of the principal evidence. Under section 1002 of the Criminal Code of Canada, no person accused of any offence under the sections mentioned therein, is to be convicted upon the evidence of one witness, unless the evidence of such witness is corroborated in some material particular by evidence implicating the accused. It is to be noted however that the word "conviction" is used, and this would not include a preliminary enquiry. The result is that a committal for trial can be made on uncorroborated evidence required by this section of the Criminal Code. Under the Canada Evidence Act the evidence of a child, not under oath, must in any event be corroborated.

Costs—

These are either, (1) on summary conviction, or, (2), on indictment. The former is regulated by Part XV. of the Criminal Code, and the tariff in section 770, and the latter by section 1044, which makes the same in the discretion of the court. Costs in criminal cases are either: 1, on conviction; 2, on dismissal; or 3, on appeal.

(a) *Costs on conviction* (sec. 735). All costs awarded against a defendant on conviction, must be ordered to be paid, to the informant, and not to the justice, otherwise the conviction may be invalid. The costs are those contained in tariff section 770, and no others. These when ordered are recoverable under section 757. A distress warrant issued under sections 738 and 741 can be used for costs.

(b) *Costs on dismissal* (sec. 736). The prosecutor or complainant may be ordered to pay costs on dismissal of the information laid by him. On a dismissal they cannot be ordered against the defendant. Distress, and in default, commitment under section 742 are applicable to such costs.

(c) *Costs on appeal*. The costs in such cases depends on whether the cases are prosecuted or not, on appeal. Where the prosecutor does not prosecute an appeal, application can be made to the court for costs, and this application may be made on the day when the case would have in the ordinary course of events, been heard. This application is made under sec. 755. Proof must be produced of the notice of appeal having been served. Where the prosecutor prosecutes his appeal and fails, costs should be applied for by the respondent immediately at the conclusion of the case under section 758. If no order is made for costs on appeal then the justice will be compelled to proceed under section 756, and the costs will be limited to those allowed on summary conviction. Where a special order as to costs is made under section 758, then such costs can be recovered speedily under section 759. Where the appeal is abandoned this is dealt with by section 760. Notice of abandonment must be given in writing six days clear, before the sittings of the court, and if this is not done the order under section 755, where the appeal is not prosecuted, would apply.

(d) *Costs on Indictment*. These are dealt with in section 1044 of the Code, and under it any court, or judge, or magistrate under Part XVI, by whom judgment is pro-

nounced or recorded upon conviction for an indictable offence, including those under section 773 of the Code, can award costs. The amount of such costs is entirely within the discretion of the court, there being no tariff, but under section 1047 they are taxable according to the lowest scale of costs in a civil suit, in a superior court, and they should be reasonable within this section. As to assault cases, special provision is made in section 1046, and where the conviction is on indictment, then that section should be followed. The forms to be used in recovery of costs are: dismissal of summary conviction, form 45; summary conviction, form 39; appeal from summary conviction, forms 52, 53 and 54.

Deposition—

The act of giving public testimony, technically the evidence put down in writing by way of answer to questions. It is an incontrovertible rule of common law that when the witness himself can be produced his deposition may not be read, for it is not the best evidence. There are however some statutory modifications of this rule, for example, where the witness cannot be produced owing to absence or illness. Generally speaking, depositions are of three kinds: 1, those used before trial; 2, those used at trial, and 3, those used in extradition cases.

Depositions before trial. These are often necessary to provide against the absence of some material witness. The evidence obtained in this manner is allowable under section 995 in the case of a person dangerously ill; also under section 997, in the case of a person out of Canada,

and under section 999, in the case of a witness who is dead, or so ill as to be unable to travel, or absent from Canada, or refuses to be sworn. The depositions used are usually those obtained at the preliminary enquiry.



Depositions at trial. The use of depositions at trial is regulated by sections 998, 999, 1000, and 1001.

Depositions on extradition. These are used instead of sending the witness to the place where the preliminary proceedings, prior to extradition, are taken. In these depositions a *prima facie* case must be established and, in addition, they must be duly certified by extradition officials in order to allow them to be used in the proceedings. They are taken under the authority of section 18 (a), of the Extradition Act, and are somewhat different in form to the ordinary deposition used in criminal cases within Canada.

Every deposition must, to be valid, comply with the requirements of the Criminal Code as to form. Section 682 stipulates as to the form (form 19), it being essential that: 1, the evidence be under oath, in presence of accused; 2, there must be an opportunity to cross-examine the witness; 3, the evidence must be taken down in longhand or shorthand; 4, the deposition when made must be read over to the witness, and he must sign the same, as must also the justice. There are further requisites in the case of depositions being taken down in shorthand, and these are: 1, stenographer must be sworn; 2, evidence must be transcribed; 3, depositions must be signed by the justice, and an affidavit of the stenographer as to their accuracy, attached.

Distress—

At common law this is defined as a taking without legal process, of a personal chattel, from the possession of a wrongdoer, into the hands of the party aggrieved, as a pledge for the redressing of an injury, the performance of a duty, or the satisfaction of a demand. It is a common remedy for recovering fines, penalties, sums of money or costs on summary conviction. This right of redress being in the hands of the party aggrieved, it must be exercised strictly in accordance with the law. The constable should be familiar with the forms used. These are: 1. Distress Warrant; 2. Inventory; 3. Appraisement, and 4. Notice of Sale. In the case of recovering fines, the forms used in the Criminal Code should be followed. These are: Form 39, warrant of distress upon a conviction for a penalty; Form 40, warrant of distress upon an order for payment of money. The other forms such as appraisement, inventory, and notice of sale, can follow the forms used in a case of distress for rent which can be adapted for the purpose. There are several points to remember when executing a warrant of distress. The Criminal Code provides, in section 717, for release of distress on tender of amount named in warrant, and costs incurred to time of tender. The distress warrant should fix the time within which, after seizure, the defendant is to pay the money in order to avoid the goods being sold. The goods can be sold at any time after that date, and once seized they should be removed from off the premises of the defendant and out of his possession. A seizure should be for the full amount of distress. A partial seizure is useless as the



defendant cannot be committed if there is a deficiency in the amount realized. The costs of distress should be ascertained according to tariff.

Dying Declarations—

A dying declaration is admissible in evidence either for the prosecution or for the prisoner in a homicide case, and it is therefore necessary that great care should be exercised in taking them. No particular form is necessary, and it need not necessarily be in writing, but it should be invariably taken down in writing if at all possible. If it is a written declaration, it may be as follows:

"Canada,)
 Province of) "In the matter of
 "I, of
 (full names) (P.O. address)
 entertaining no hope of recovery from my present illness and
 conscious that my death is imminent, I do solemnly and sincerely
 declare that:

 (here state very words used)

 "Taken before me at)
 this.....day of)
 19....) (Signature of witness)

 A Justice of the Peace
 in and for the Province
 of

The principal requisites to render such a declaration admissible in evidence against the accused are: 1, death of declarant; 2, cause of death of declarant must be the subject of inquiry; 3, circumstances of death must be

subject of declaration; 1, the declaration must have been made at a time when the declarant entertained no hope of recovery and was conscious that his death was imminent.

Where the accused is brought into the presence of the witness making the declaration an opportunity to cross-examine the declarant, if possible, and an examination in the usual form, might well take the place of the written declaration. In any event a medical man should, along with a justice of the peace, be present, whenever an endeavour is made to obtain a dying declaration.

Ex Officio—

This means, official, by virtue of an office held. As an example, the position of a coroner, and an inspector of police, are sometimes, by statute, made *ex officio* justices of the peace.

Ex Parte—

On behalf of. A proceeding by one party in the absence of another.

Extradition—

The act of sending by authority of law, a person accused of a crime in a foreign jurisdiction, to the place where the crime was committed, in order that he may be tried there. The procedure is regulated by the Extradition Act, and by treaties between foreign countries.

Fine—

This is a sum of money, also called a penalty, recoverable in a court of law. Where a fine is imposed on sum-

mary conviction, it is recoverable in the manner laid down by sections contained in Part XV. of the Criminal Code of Canada. Fines when recovered are payable either to: 1, Receiver-General for Canada; 2, Provincial Government, through the Attorney-General, or 3, the informant, by virtue of statutory authority. This general disposition is to be found in section 1036 of the Criminal Code, which provides that where there is no special disposition in any Act under which the penalty is imposed, then the fine is to be forwarded to the Provincial Treasurer. This general rule has several exceptions. The following fines are payable to the Receiver-General of Canada: 1, Fines arising from prosecutions, made by Dominion officials; 2, fines arising from prosecutions against Dominion officials for breach of duty or malfeasance of office. Certain Acts have special provisions with regard to payment of moiety to informants and others, and sometimes to municipalities, as for example in the case of cruelty to animals, where the fine is prosecuted within the boundaries of a municipality (sec. 1043). Wherever any fine is paid over to any person other than the Provincial Treasurer, a receipt or receipts for the whole of it should invariably be taken, and, where an accounting is called for, produced to verify the disposition. Justices and magistrates are required to remit all fines promptly.

Frequenting—

This expression is found in section 233 of the Criminal Code of Canada. It is not now used in connection with bawdy-houses owing to a change in the nature of the offence. The two paragraphs (j) and (k) of section 238;

have been repealed. There is now no such offence as frequenting disorderly houses, and such cases must now be brought under sections 229 and 229a. Being without lawful excuse, found in any disorderly house, is a summary offence under section 229, and an indictable offence for being the inmate of a disorderly house under section 229a. This is a very important distinction which the constable should always bear in mind when prosecuting cases of this nature.

Gaming—

Gambling in public conveyances is dealt with by section 234 of the Criminal Code, and betting, pool-selling, and book-making by section 235. To support oneself by gaming is an offence under section 238 (1).

Indictable—

This means an offence punishable on indictment as distinguished between one punishable on summary conviction.

Inquest—

An inquest is usually held where a deceased person has come to his death from violence or unfair means, or culpable or negligent conduct of others. In the interests of the public an inquest should be held where there are any suspicious circumstances surrounding the death. In all such cases it is the duty of the nearest constable to notify the coroner, and without disturbing the body, keep watch until the coroner arrives. The following information should be in the possession of the constable in charge:

1. Name of deceased; 2, cause of death, if ascertainable; 3, statements of eye-witnesses, if any; 4, a sketch of the premises in detail with points of compass marked, and all distances shown in feet and inches. The jurors are sometimes notified by the coroner, but usually the coroner issues a jury summons, in which event the constable will be required to serve them. At the same time the constable summons the jurors he should notify the relatives of the deceased, and any other witnesses, that an inquest is to be held, and should notify them of the time and place. The procedure before a coroner is somewhat similar to that in a case before a magistrate. A court is held and the coroner's court is a court of record. The jury however render the verdict, which is reduced into writing on a form called an "Inquisition." This form is usually filled in by the coroner, and should be accurate in detail, signed and sealed. The property of the deceased should be handed over after the inquest to the Public Administrator for the district, who will in turn hand the same over to the relative taking out administration or probate to the deceased's estate.

Juveniles—

In most, if not all, of the Provinces of Canada, there are juvenile courts, regulated under the Juvenile Delinquents Act, 1908. These are "delinquents," and should not be confused with children who are "neglected." There is an obvious difference. A delinquent child is one which breaks the law and therefore is liable to punishment, a neglected child is one which has been neglected or abandoned, and therefore to be cared for and pitied, not pun-

ished. This latter class are usually dealt with under provincial statutes, and can be placed in foster homes and children's shelters. In no case should either class be placed in cells along with other criminals, or allowed to mix with them.

Limitation of Action—

A certain time is allowed by statute for the commencement of a criminal prosecution. Sections 1140, 1141 and 1142 of the Criminal Code should always be consulted when laying an information for an indictable offence.

Negating Exceptions—

This is an expression used in connection with the prosecution of offences. In certain statutes it is provided that the prosecutor need not negative exceptions. This means that the prosecutor need not show that the defendant is expressly not within such excepted classes as the law permits, as, for example, that he is not a druggist, or a vendor, or a clergyman, etc., where the prosecution is under the Liquor Act. This must not be confused with proving that the defendant is in a particular class, or that the offence is one of a particular class, for example, where liquor is not allowed to be in a place, other than a dwelling-house, the information and complaint should show that the defendant did have liquor in a place, not being a dwelling-house. Where the constable is in doubt as to when to state such facts in the information he should look up the section governing the offence, and draft the information and complaint in the words of the statute.

It is better to negative exceptions if possible so that then there can be no doubt about it.

Previous Convictions—

In various statutes provision is made permitting the prosecution to put in evidence, or prove previous convictions against the accused. Before this can be done there are certain formalities, and these vary with each Act, under which this course is permitted. The Act should be implicitly followed, otherwise the conviction may be quashed.

In laying an information for a second or subsequent offence, the law requires that if the increased penalties are to be imposed, then the fact of the previous convictions must be recited in the information; thus: "and the said offence is a second offence, the said defendant having previously, to wit, on the...day of.....A.D., before, J.P., at.....in the said Province, been convicted for" In addition to this, proof is required in the proceedings. This can be given only at a particular time in the proceedings, and then only in a particular manner. The time is usually after conviction for the offence then under consideration, although it is sometimes allowed after proof only of such offence. The manner of proof is by certificate of conviction and identity of the accused with the person named in the certificate of the conviction. The object of reciting these previous convictions is to give the justice jurisdiction to inflict the severer penalties. Where the conviction is being proved in a case

which is indictable, the procedure is dealt with by section 963 of the Criminal Code of Canada.

Remand—

It is essential when there is a remand that the accused be there, in person, before the justice. Remands on preliminary enquiries are dealt with under section 679 of the Criminal Code of Canada. A remand, without writing, cannot exceed three days, and with writing, can never exceed eight days. An accused can also be remanded on bail for trial, after the conclusion of a preliminary hearing.

Render of Sureties—

Under sections 1088 to 1094, render can be made by sureties under the Criminal Code.

Restitution—

This is applicable to stolen property. It is dealt with by section 1050 of the Criminal Code. Where the proceedings are in the nature of a summary trial under Part XVI. of the Criminal Code, for an indictable offence, the authority is contained in section 817, as regards cases of juvenile offenders. Restitution of property under a search warrant where an accused is dismissed is dealt with under section 631. Where no person is committed for trial, the goods held under search warrant are to be returned to the person from whom they were taken. This is done by order of the justice.

Statement of Accused—

This is made under the authority of section 684 on preliminary hearing. The actual words used should be taken down in writing on the form provided, namely, Form 20.

Subpoena—

This is a writ issued in the name of the King. It commands the attendance of the person named therein at a given time and place, to give evidence. This writ is issued under the authority of sections 676 and 974 (witness outside province). Where a witness is likely to depart from the jurisdiction a subpoena can in such a case be served upon him, and thus give him notice of the trial at which he is required to give evidence. He must then return on that date or be punished for contempt.

Summary Conviction—

The offences and matters which are within the authority of a justice to try summarily are: (1) penal offences or contraventions of law which stipulate that they are punishable on summary conviction, and (2) orders for payment of money in quasi-criminal matters, such as wage cases. The procedure on summary conviction is regulated entirely by sections contained in Part XV. of the Criminal Code, and the Act making the offence punishable on summary conviction.

Summary Trials—

These must not be confused with trials on summary conviction. A summary trial is one which is a trial of

an indictable offence under Part XVI. of the Criminal Code, as under section 773. A single justice has no jurisdiction whatever to try any such offence. Two justices, or a police magistrate, have in certain cases.

Summons—

A summons is a magistrate's order to appear in court with reference to a matter named therein, at a given time. It is frequently used in summary conviction matters, under the authority of section 711 of the Criminal Code. It is signed by the justice who issues it and states shortly the complaint. It is never to be signed in blank. A copy of the summons for service should accompany the original. Service is effected by delivering the copy to the person to whom it is directed, or if he cannot be found, left at his place of abode or business, with some inmate of the house not under 16 years of age (sec. 672.) The constable will be called upon to prove that he had reasonable and probable grounds for believing that the summons would eventually reach the person to whom it was addressed. Otherwise the service will be irregular. Personal service is to be effected if at all possible. Where the person to whom it is addressed is unable to read, then the contents should be explained to him. There are a variety of summonses which the constable may be called upon to serve. These include the following: Summons to person charged with an indictable offence (form 5, sec. 658); summons to a witness (form 11, sec. 671); summons to defendant (form 5, sec. 711); summons to a witness out of the jurisdiction (sec. 713), and a subpoena (sec. 676).

Warrant—

These include: 1, search warrants, committal warrants, and warrants of arrest.

Search Warrants. The common law right of search only applied to a search for stolen goods. The power of search has now been extended by statute. The Criminal Code has various provisions in regard to the operation of search warrants. The most important are those contained in section 629 et seq., the matters dealt with are: (1), detention of things seized (sec. 631); (b), restoration of same where no person is committed (sec. 631 (2)); (c), destruction of counterfeit coin found under search warrant (sec. 632); (d), seizure of explosives (sec. 633); (e), offensive weapons (sec. 634); (f), suspected goods (sec. 635); (g), public stores (sec. 636); (h), mined gold and silver (sec. 637); (i), timber unlawfully detained (sec. 638); (j), intoxicating liquor on ships (sec. 639); (k), women in houses of ill-fame (sec. 640); (l), gaming houses (sec. 641); (m), opium joints (sec. 642a); (n), vagrants in disorderly houses, (sec. 643). In the execution of a search warrant the constable should bear in mind the provisions of section 630 of the Criminal Code, which provides that every search warrant shall be executed by day, unless the constable shall have it specially stipulated in the warrant that it shall be made at night. The constable must have the warrant with him and produce it when required, and also before breaking in, demand that the door be opened to admit of the search being made. He is bound to explain that he is an officer and that he has a warrant for a search, but he is not bound to give

any preliminary explanation of the purpose of the search. In order to obtain a search warrant an information must be laid, and in this information there must appear in unmistakable terms the reasons for the belief and grounds for the suspicion upon which the search warrant is asked for. The warrant when issued should recite the fact of the information having been laid and when executed should be endorsed with: (1), time, and (2), place of execution, and also (3), the goods or persons found in making the search, as the case may be. These should immediately be taken to the magistrate who issued the search warrant and directions obtained as to what is to be done with them. In the case of goods which are stolen, the person charged should also be brought before the magistrate along with the goods found. There are certain statutory provisions which authorize a search without a warrant, but in all cases a search warrant in proper form should be obtained, if time permits.

Committal Warrants: These are either: (a) for trial after preliminary (form 22, sec. 690); (b), in default of sureties to keep the peace (form 50, sec. 748); (c), for want of distress in summary matters (form 44, sec. 741); (d), upon conviction where there is a penalty in first instance (form 41, sec. 741); (e), for refusing to be sworn when called as a witness (form 16, sec. 678); (f), for contempt of court (sec. 608); (g), for want of distress on non-payment of costs on appeal (form 54, sec. 759); (h), after arrest, on a bench warrant (form 67, sec. 881); (i), on remand awaiting preliminary hearing (form 17, sec. 679); (j), for refusing to enter into recognizance, in the

case of a witness (form 26, sec. 694); (k), for use in a case of extradition (under the Extradition Act); and (l), as insane for transfer to the asylum, or pending order of Attorney-General (Insanity Act).

Distress Warrants. A constable is the proper officer to execute a distress warrant in a case. The provisions of the Criminal Code in respect to distress are contained in sec. 741, and the forms to be used are those in forms 39, 40 and 43. In every distress there is: (1), issue of warrant; (2), levy; (3), appraisement; (4), return, and (5), sale. A distress warrant should be executed in the day time, and on a week day. It cannot be executed on a Sunday. Upon tender of amount called for in warrant and payment of costs to day the distress can under section 747, be discontinued.

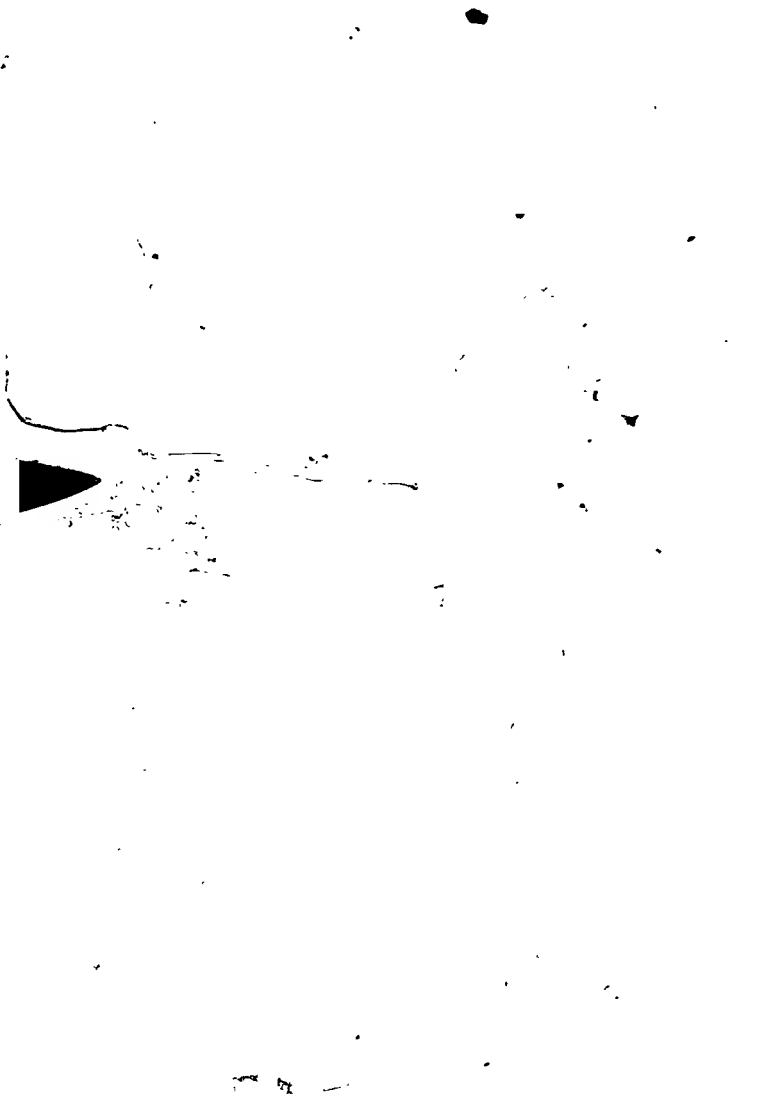


TABLE OF OFFENCES AGAINST PROVINCIAL LAWS

Containing Alphabetical List of all
Offences under Provincial Laws of
Alberta, Punishable on Summary
Conviction, giving Year, Chapter
and Section of Act, and the
Penalty for the Offence

TABLE OF OFFENCES AGAINST PROVINCIAL LAWS

SUBJECT, YEAR, CHAPTER AND SECTION OF ACT.	OFFENCE.	PENALTY.
Animals. (a) <i>Entire.</i> N.W.T. Ord. c. 78, s. 5.	A. Omitting, after notice, to take away captured stallion or bull.	Fine not exceeding \$20 and costs.
s. 12.	Omitting, after notice, to confine stallion or bull running at large.	Fine \$5 for each day animal is at large after notice.
(b) <i>Herd Districts.</i> N.W.T. Ord. c. 81, s. 7.	Owner omitting, after notice, to confine stallion or bull running at large.	Fine \$5 for each day stallion or bull is at large.
s. 8.	Impounding unauthorized animal on part of a proprietor.	Fine not exceeding \$20.
s. 30.	Impounding unauthorized animal on part of a poundkeeper.	Fine not exceeding \$100.
s. 30.	Purchasing by poundkeeper animal sold at pound.	Fine not exceeding \$100.
s. 30.	Collecting unauthorized fees.	Fine not exceeding \$100.
s. 30.	Failing to pay over moneys after demand.	Fine not exceeding \$100.
s. 30.	Neglecting to provide food and water for impounded animal.	Fine not exceeding \$10.
s. 30.	Working or using impounded animal.	Fine not exceeding \$100.
s. 30.	Omitting to keep books.	Fine not exceeding \$100.
s. 30.	Allowing infected and uninfected animals in same inclosure.	Fine not exceeding \$100.
s. 30.	Failing to give notices.	Fine not exceeding \$100.
s. 30.	Neglecting to do anything he is required to do by Ordinance whereby damage is incurred.	Fine not exceeding \$100.

Offences by
poundkeeper
only.

Any person	s. 32. Rescuing impounded animal.	Fine not exceeding \$100.
	s. 32. Injuring pound.	Fine not exceeding \$100.
	s. 32. Illegally impounding any animal.	Fine not exceeding \$100.
	s. 32. Driving animal upon cultivated land, or to grain or hay in stack.	Fine not exceeding \$100.
(c) Pound Districts.		
Offences by poundkeeper only.	s. 12. N.W.T. Ord. c. 79, s. 12. Impounding animal in place not authorized.	Fine not exceeding \$20.
	s. 37. Impounding animal not an estray.	Fine not exceeding \$100.
	s. 37. Purchasing impounded animal.	Fine not exceeding \$100.
	s. 37. Collecting unauthorized fees.	Fine not exceeding \$100.
	s. 37. Failing to pay over moneys, after demand.	Fine not exceeding \$100.
	s. 37. Neglecting to provide food and water for impounded animal.	Fine not exceeding \$100.
	s. 37. Working or using impounded animal.	Fine not exceeding \$100.
	s. 37. Neglecting to keep books.	Fine not exceeding \$100.
	s. 37. Giving incorrect description of animal.	Fine not exceeding \$100.
	s. 37. Allowing infected with uninfected animals in same enclosure.	Fine not exceeding \$100.
	s. 37. Failing to give required notice.	Fine not exceeding \$100.
	s. 37. Neglecting to do anything required by Pound District Ord. and which results in damage.	Fine not exceeding \$100.
Any person	s. 39. Rescuing impounded animal.	Fine not exceeding \$100.
	s. 39. Injuring pound.	Fine not exceeding \$100.
	s. 39. Illegally impounding animal	Fine not exceeding \$100.
	s. 39. Leaving open gate, letting down bars or making gap in fence to permit animals to trespass.	Fine not exceeding \$100.
(d) Injuring.		
N.W.T. Ord. c. 83, s. 1.		Fine not exceeding \$50.
Infringing Ordinance respecting stock injured by railway trains.		

SUBJECT, YEAR, CHAPTER AND SECTION OF ACT.	OFFENCE.	PENALTY.
(e) <i>Vicious</i> . N.W.T. Ord. c. 82, s. 2.	Owning or possessing vicious dog.	Fine not exceeding \$20 and costs.
(f) <i>Stray</i> . N.W.T. Ord. c. 80, s. 11.	Taking, riding or driving off horse or head of stray cattle without owner's consent.	Fine not exceeding \$100.
s. 11.	Allowing stray animal to be driven more than five miles with his herd.	Fine not exceeding \$100.
s. 11.	Receiving unauthorized fees.	Fine not exceeding \$100.
s. 11.	Neglecting to supply sustenance for stray animal upon his premises.	Fine not exceeding \$100.
s. 11.	Rescuing stray animal from finder without payment.	Fine not exceeding \$100.
s. 11.	Rides, drives, or otherwise works or uses stray horse or ox.	Fine not exceeding \$100.
s. 11.	Neglecting to notify that he has stray on premises.	Fine not exceeding \$100.
s. 11.	Purchasing stray animal by finder or brand reader.	Fine not exceeding \$100.
s. 11.	Negligent or careless in reading brand or gives wrong description of stray animal by finder or brand reader.	Fine not exceeding \$100.
(g) <i>Dangerous and Mischievous</i> . 1913 (2) c. 27, s. 2.	Owning or possessing, unconfined, after notice, cross, dangerous, or mischievous animal.	Order to confine.

1913, c. 27, s. 3.

Auctioneers.

Ord. c. 58, s. 7.

Neglecting to comply with order to confine cross, dangerous, or mischievous animal.

Fine not exceeding \$50 and costs.
Default: 30 days with or without H. L.

Violating any provisions of Auctioneer Ord., c. 58.

Fine not exceeding \$100 and costs

B.**Boilers.**

1918, c. 22, s. 6.

Operating a portable or semi-portable boiler, or traction boiler, not licensed under Act.

Fine not more than \$50.

s. 11 (5).

Violating section 11 (1) or section 11 (2) as to management of compressed air apparatus.

Fine not less than \$10 nor more than \$25.

s. 15 (3).

Violating section 15 respecting preparation of boiler for inspection.

Fine not less than \$25 nor more than \$100.

s. 17 (2).

Neglecting or refusing to comply with notice of inspector.

Fine not less than \$25 nor more than \$50.

s. 20.

Refusing or neglecting to take precautions to prevent steam being turned into boiler when person inside.

Fine not less than \$50 nor more than \$100.

s. 21 (6).

Violating section 21 respecting registration of designs for boilers.

Fine not less than \$25 nor more than \$50.

s. 24.

Obstructing inspector in performance of his duty.

Fine not less than \$50 nor more than \$100.

s. 26 (2).

Operating a boiler before inspection certificate is given.

Fine not less than \$50 nor more than \$250.

s. 26 (3).

Neglecting to post up inspection certificate.

Fine not less than \$10 nor more than \$25.

SUBJECT, YEAR, CHAPTER
AND SECTION OF ACT.

OFFENCE.

PENALTY.

1918, c. 22, ss. 27, 51.	False representations or fraud respecting certificates.	Fine, under section 27, not less than \$50 nor more than \$100; under section 51, fine not less than \$50 nor more than \$100.
ss. 27, 51.	Refusing to deliver up cancelled or suspended certificate.	Fine, under section 27, not less than \$50 nor more than \$100; and under section 51, not less than \$25 nor more than \$100.
s. 28 (3).	Violation of section 28 respecting notification of explosions.	Fine not less than \$100 nor more than \$200.
s. 34.	Tampering with sealing device of safety valve after being sealed by inspector.	Fine not less than \$50 nor more than \$100.
s. 36.	Tampering with pressure gauge.	Fine not less than \$10 nor more than \$50.
s. 38.	Operating a boiler without a certificate.	Fine not less than \$25 nor more than \$100.
s. 40 (1).	Employing uncertified persons..	Fine not less than \$50 nor more than \$150.
s. 40 (3).	Neglecting to produce certificate to inspector.	Fine not less than \$10 nor more than \$50.
s. 60.	Violation of Act, or any regulation, for which no special penalty is mentioned.	Fine not more than \$100.
Brands.		
1913 (2) c. 24, s. 18 (a).	Branding stock with unrecorded or cancelled brand.	Fine not exceeding \$200 and costs.
s. 18 (b).	Branding stock of which he is not the owner, without authority,	Fine not exceeding \$200 and costs.
s. 18 (c).	Blotching brand.	Fine not exceeding \$200 and costs.

s. 18 (d).	Refusing to comply with section 16 of the Brand Act when moving stock more than 20 miles from home or outside Province.	Fine not exceeding \$200 and costs.
Building Trades Protection.		
1913, c. 14, s. 4 (2).	Disobeying or permitting work to be carried on in violation of section 4 after order by building inspector.	Fine not exceeding \$50 for every day upon which default occurs.
Cemeteries.		
Ord. c. 68, s. 23 (2)	Refusing to furnish graves for indigents.	Fine not exceeding \$50.
s. 27.	Allowing offensive matter from cemetery to foul water.	Civil penalty: \$500 and costs of action recoverable by person having right to use the water; special damage, \$10 a day.
s. 35.	Committing nuisance, playing games, discharging fire arms in cemetery.	Fine not exceeding \$100 and costs.
Circuses.		
1914, c. 18, s. 6.	Exhibiting circus without license.	Fine not less than \$200 nor more than \$300 for each day exhibited
s. 7.	Being party to issue of a municipal license for circus without production of provincial license.	Fine, \$20.
s. 8.	Refusing free access to circus of constable after demand and display of badge.	Fine not less than \$50 and not exceeding \$100; or alternative, imprisonment not exceeding 3 months.

SUBJECT, YEAR, CHAPTER AND SECTION OF ACT.	OFFENCE.	PENALTY.
Clerks of Court. 1906, c. 18, s. 20.	Failing to keep books required and to enter fees received.	Fine not exceeding \$20.
s. 21.	Failing to transmit to Provincial Treasurer fees received.	Fine not exceeding \$20 for each day.
Children. 1909, c. 12, s. 11 (3).	Surrendering custody of child by instrument in writing without obtaining permission of Superintendent of Neglected Children.	Fine not more than \$100. In default, imprisonment not exceeding 3 months.
s. 16.	Permitting child to habitually violate by-law respecting children on streets.	Fine: 1st offence, \$1 without costs; 2nd, \$2; 3rd and sub., \$5.
s. 17.	Ill-treating, neglecting, abandoning or exposing in a manner likely to cause unnecessary suffering any boy under 14 or girl under 16 years of age.	Fine not exceeding \$100. In default or in addition, imprisonment not exceeding one year.
s. 18 (a).	Causing or procuring child to be in public place to beg, etc.	Fine not exceeding \$100. In default or in addition, imprisonment not exceeding one year.
s. 18 (b).	Causing or procuring child to be in a public place to sing or perform for profit, etc.	Fine not exceeding \$100. In default or in addition, imprisonment not exceeding one year.
s. 18 (b).	Causing or procuring child to be employed between 10 p.m. one day and 6 a.m. following day.	Fine not exceeding \$100. In default or in addition, imprisonment not exceeding one year.
s. 18 (c).	Causing or procuring child to perform or sell at circus.	Fine not exceeding \$100. In default or in addition, imprisonment not exceeding one year.

s. 18 (d).	Committing or omitting act promoting, producing or contributing to child becoming neglected.	Fine not exceeding \$100. In default, imprisonment not exceeding one year.
s. 20 (a).	Inducing child to leave custody or control of Children's Home.	Fine not exceeding \$20 and costs. In default, imprisonment not exceeding thirty days.
s. 20 (b).	Inducing child under 18 years to leave place of service or apprenticeship where he has been placed.	Fine not exceeding \$20 and costs. In default, imprisonment not exceeding thirty days.
s. 20 (c).	Inducing child under 18 years to break apprenticeship or agreement arranged by Aid Societies, etc.	Fine not exceeding \$20. In default, imprisonment not exceeding thirty days.
s. 20 (d).	Detaining or harbouring, after demand, child referred to in section 20.	Fine not exceeding \$20. In default, imprisonment not exceeding thirty days.
s. 24 (b).	Assuming or using name which includes "loan," "mortgage," "trust," "trusts," "investment" or "guarantee" in combination with "corporation," "company," "association" or "society," when not registered.	Fine \$100: one-half to prosecutor, one-half to general revenue.
s. 27 (2).	Acting in contravention of section 27 respecting the keeping of register, members, directors, officers, etc.	Fine not exceeding \$25 for every day during which default continues.
s. 31 (3).	Non-compliance with section 31 respecting forwarding annual share list to registrar.	Fine not exceeding \$25 for every day during which default continues.

Companies.(a) *Limited.*

Ord. c. 61, s. 24 (b).

SUBJECT, YEAR, CHAPTER AND SECTION OF ACT.	OFFENCE.	PENALTY.
Ord. c. 61, s. 37 (2).	Refusing inspection of register of members.	Fine not exceeding \$10 for each refusal, and a further penalty of \$10 per day during which default continues.
s. 39 (2).	Non-compliance with section 39 respecting notifying registrar of increase of capital or members.	Fine not exceeding \$25 for every day during which neglect continues.
s. 51 (2).	Non-compliance with section 51 respecting statutory notice to director on his appointment.	Fine not exceeding \$500 and any damage sustained by appointee.
s. 55 (4).	Issuing prospectus without being dated, signed and filed as provided by section 55.	Fine not exceeding \$25 for every day during which default continues.
s. 60 (2).	Filing list containing name of director who has not consented to act as such.	Fine not exceeding \$200.
s. 61.	Issuing false advertisement calculated to mislead.	Fine: first offence, not exceeding \$200 and costs; 2nd and sub., imprisonment without option not less than 3 months nor more than 12 months.
s. 65.	Neglecting to add words "non-personal liability" after name of company incorporated under section 63a.	Fine \$20 for every day during which name is not kept so printed.
s. 71.	Non-compliance with section 71 as to stating in memo. of association number and amount of shares into which capital is divided.	Fine not exceeding \$5 for each copy of memo. of association in respect of which such default is made.

s. 86.	Non-compliance with section 80 as to embodying minute of reduction of capital in memo. of association.	Fine \$5 for each copy of memo. of association in respect of which default is made.
s. 87.	Concealing name of creditor who is entitled to object to reduction of capital or wilfully misrepresenting nature or amount of debt	Fine not exceeding \$500.
s. 90 (2).	Non-compliance with section 90 respecting delivering to registrar office copy of order altering memo. of association.	Fine not exceeding \$50 for every day during which default continues.
s. 97a (3).	Undertaking contracts forbidden by section 97 (a).	Fine, 1st offence, not less than \$20 nor more than \$200; 2nd and sub., imprisonment not less than 3 months nor more than 12 months; corporation fine \$1,000.
s. 99 (2).	Carrying on business without registered office within Province.	Fine not exceeding \$25 for every day during which business is carried on.
s. 102.	Non-compliance with section 102 respecting painting and affixing outside registered office name of company.	Fine not exceeding \$25 for every day during which name is not so published.
s. 102.	Issuing documents without addition of word "limited."	Fine \$250 and personal liability to holder.
s. 103.	Non-compliance with section 103 as to entries of mortgages in register.	Fine not exceeding \$250.
s. 103 (2).	Refusing inspection of register of mortgages.	Fine not exceeding \$25 and a further penalty of \$10 for every day during which refusal continues.

SUBJECT, YEAR, CHAPTER AND. SECTION OF ACT.	OFFENCE.	PENALTY.
Ord. c. 61, s. 105.	Non-compliance with section 105 as to keeping register of directors and notifying registrar of change in same.	Fine \$25 for every day during which default continues.
s. 107.	Commencing business or exercising borrowing powers without complying with section 107.	Fine not exceeding \$200 for every day during which contravention continues.
s. 110 (2).	Non-compliance with section 110 as to returns of allotments.	Fine not exceeding \$250 for every day during which default continues.
s. 122 (2).	Non-compliance with section 122 as to forwarding copy of special resolutions to registrar.	Fine not exceeding \$10 for every day after the expiration of 15 days.
s. 123 (2).	Non-compliance with section 123 as to embodying in articles of association all special resolutions.	Fine not exceeding \$5 for each copy in respect of which default is made.
s. 127 (2).	Refusing to produce books or answer questions under section 127.	Fine not exceeding \$25 in respect of each offence.
s. 137.	Making false statements in documents.	Fine not exceeding \$500, or in alternative, imprisonment not exceeding 4 months or both.
s. 152 (c).	Non-compliance with section 152 requiring prior companies to register.	Fine not exceeding \$25.
(b) <i>Foreign.</i> Ord. c. 63, s. 3.	Carrying on business for gain without being registered.	Fine \$50 a day during which business is carried on.

s. 4.	Omitting to notify registrar on increase of capital.	Fine \$50 a day for each day the company carries on business in province.
s. 4.	Making default in payment of fees on increase of capital.	Fine \$50 a day for each day during which default continues.
s. 8 (5)	Transacting business for unregistered foreign company.	Fine \$20 for each day on which business is transacted.
Constables.		
1909, c. 7, s. 12.	Omitting, when called upon, to assist peace officer in execution of duty.	Fine not exceeding \$20.
Controverted Elections. (a) Municipal.		
1011-12, c. 20, s. 4 (1).	Bribery and corruption at municipal election.	Action in District Court. Penalty \$100 and disqualification.
s. 4 (2).	Bribery and corruption at voting on by-law, or to defeat candidate.	Action in District Court. Penalty \$100 and disqualification.
s. 4 (3).	Promising to defeat candidate after receiving bribe.	Action in District Court. Penalty \$100 and costs and disqualification.
s. 4 (4).	Advancing money to be expended in bribery and corruption at municipal election.	Action in District Court. Penalty \$100 and costs and disqualification.
s. 4 (5).	Receiving bribe to refrain from voting at election.	Action in District Court. Penalty \$100 and costs and disqualification.
s. 4 (6).	Receiving bribe to refrain from voting on by-law.	Action in District Court. Penalty \$100 with costs and disqualification.
s. 4 (7).	Hiring vehicles to convey voters to poll.	Action in District Court. Penalty \$100 and costs and disqualification.

SUBJECT, YEAR, CHAPTER AND SECTION OF ACT.	OFFENCE.	PENALTY.
1911-12, c. 20, s. 5.	Using undue influence.	Action in District Court. Pen- alty, \$100 and costs, and dis- qualification.
Co-Operative Associ- ations.		
1913 (1), c. 12, s. 14(2).	Failing to give notices or file re- turns or documents required by Act.	2 J.P.'s or P.M. Fine not ex- ceeding \$100 and costs, on com- plaint of ass'n or member only.
s. 14(2).	Refusing to furnish information required by registrar.	
s. 14(2).	Making false or insufficient re- turns.	
Co-Operative Credit.		
1917, c. 11, s. 33.	Non-compliance with section 30 as to furnishing description of chattels purchased.	Fine not less than \$50 nor more than \$100 and costs. In default, imprisonment not less than one month nor more than 6 months.
s. 33.	Disposing or removing chattels, or not accounting for monies re- ceived from sale of chattels in violation of Act.	Fine not less than \$50 nor more than \$100 and costs. In default, not less than one nor more than 6 months' imprisonment, with or without H. L.
Corporations Taxa- tion.		
1907, c. 19, s. 3 e (viii.)	Charging portion of tax to mort- gagor or borrower.	Fine not less than \$10 nor more than \$50 and refund of amount.
Court Forms.		
1918, c. 19, s. 1.	Using any Court forms or other process in any manner likely or intended to deceive any person.	Fine not less than \$100 nor more than \$500 and costs, or to im- prisonment not exceeding six months or both.

Creameries. 1907, c. 16, s. 40.	Refusing admission or obstructing inspection.	Fine not less than \$10 nor more than \$100.
s. 40.	Over-reading or under-reading Babcock test or violating any other provisions.	Fine not less than \$10 nor more than \$100.
s. 46.	Unfair discrimination.	Fine not less than \$50 nor more than \$500.
D.		
Dentists. 1906, c. 22, s. 32.	Practising for gain without license.	Fine, 1st offence, not less than \$50 nor more than \$200; 2nd and sub., \$400.
Department of Agriculture.		
1906, c. 8, s. 7.	Refusing to comply with section 7 regarding statistics.	Fine not exceeding \$25.
Distress. Ord. c. 34, s. 3.	Collecting costs not according to tariff.	Action in District Court. Penalty, treble amount illegal fees.
District Courts. 1907, c. 4, s. 36.	Contempt of Court.	District Court. Fine not exceeding \$100 or imprisonment not exceeding 6 months, or both.
Drainage. 1916, c. 24, s. 52.	Removing or defacing posts denoting lines of levels.	Fine not less than \$5 nor more than \$100 and costs or, alternatively, imprisonment not exceeding 6 months.
s. 53.	Interfering with ditch or water-course or embankment.	Fine not less than \$5 nor more than \$200 and costs. In default, not less than one week nor more than two months' imprisonment.

SUBJECT, YEAR, CHAPTER AND SECTION OF ACT.	OFFENCE.	PENALTY.
Early Closing. 1911-12, c. 23, s. 12.	Violating early closing by-law.	Fine, 1st offence, not exceeding \$5 and costs; 2nd offence, not exceeding \$25 and costs; 3rd, not exceeding \$100 and costs.
Egress from Public Buildings. 1911-12, c. 26, s. 2.	Operating church, hall, theatre, school house or building in non-compliance with section 2.	Fine not exceeding \$50 and \$5 per week during contravention; one moiety to informant, other moiety to Prov. Treas.
Electric Workers' Protection. 1917, c. 7, s. 40.	Non-compliance with orders of Board.	Not specially set out as to Court, possibly Public Utility Commissioners. Penalty not exceeding \$1,000. Possibly indictable under Code, section 164.
Extra-Judicial Seizure. 1914, c. 4, s. 2.	Levying distress or making extra-judicial seizure without authority.	Fine, 1st offence, not exceeding \$200 and costs; 2nd and sub., imprisonment without option not less than 3 nor more than 6 months. Corporation: Fine not more than \$200 and costs first or sub. offence.
Factories. 1917, c. 20, s. 11.	Neglecting to keep register of employees.	Fine not exceeding \$30.

s. 14 (2).	Operating factory without certificate.	Fine not exceeding \$50.
s. 15.	Omitting to send notice of intention to operate factory. Form 3, Sched. B.	Fine not exceeding \$30 for every month or part in default.
s. 18 (4).	Obstructing inspector.	Fine not exceeding \$30 where obstruction is in day-time and \$100 where the obstruction is during night-time.
s. 22 (2).	Omitting to post, or defacing notices, required by section 22.	Fine not exceeding \$20.
s. 25 (2).	Non-compliance with section 25 as to providing seating accommodation.	Fine not exceeding \$25.
s. 30 (3).	Non-compliance by owner with section 30 (1) regarding sanitary arrangements after notification.	Fine not exceeding \$100. In default, imprisonment not exceeding 3 months.
s. 31 (6).	Non-compliance by employer with section 31 as to sanitary regulations after notification.	Fine not exceeding \$100, except violation of sub-sec. 5 of section 31 respecting infectious diseases, when penalty is not exceeding \$500.
s. 32 (4).	Non-compliance by owner or employer with section 32 regarding sanitary conditions after notification.	Fine not exceeding \$100. In default, imprisonment not exceeding 3 months.
s. 44 (3).	Using elevator hoists, in non-compliance of section 44, after notice	Fine not exceeding \$500. In default, imprisonment not exceeding twelve months.
s. 45 (5).	Non-compliance with section 45 as to providing safe exit in case of fire.	Fine not more than \$500. In default, imprisonment not exceeding twelve months.

SUBJECT, YEAR, CHAPTER AND SECTION OF ACT.	OFFENCE.	PENALTY.
1917, c. 20, s. 46.	Non-compliance with section 46 as to notifying fires and accidents causing bodily injury.	Fine not exceeding \$30.
s. 47.	Non-compliance with section 47 as to notifying explosions, whether any person is injured or not.	Fine not exceeding \$30.
s. 48.	Non-compliance with section 48 as to reporting fatal accidents.	Fine not exceeding \$30.
s. 55.	Keeping unlawful factories.	Fine not exceeding \$100 and costs, or in lieu thereof imprisonment not exceeding 3 months.
s. 56.	Making false entries in any register, notice, certificate or document under the Act.	Fine not exceeding \$100. In default, imprisonment not exceeding 3 months.
s. 57.	Parent permitting child to be employed in factory in contravention of Act.	Fine not exceeding \$50.
s. 58.	Violating any provisions of Act where no penalty specially provided.	Fine not exceeding \$50.
Fire Prevention. 1916, c. 23, s. 10.	Hindering or disturbing fire commissioner, etc., in execution of duty.	Fine not exceeding \$50.
s. 19.	Refusing or neglecting to attend and be sworn and give evidence before fire commissioner, etc.	Fine not exceeding \$50.
s. 19.	Violating any provisions of the Fire Prevention Act, 1916, or regulations made thereunder, for which there is no other special provision.	Fine not exceeding \$50.

s. 20.	Non-compliance by owner or occupier with order of fire commissioner, etc., respecting buildings.	Fine not exceeding \$25 per day of each day's neglect to comply.
s. 21.	Non-compliance by local assistant of requirements of Act or regulations to be done by him.	Fine not exceeding \$20.
s. 22.	Non-payment of fees under section 18.	Fine \$10 per day for each day's default, in addition to amount which should have been paid.
Fires (Prairie.) Ord. c. 87, s. 2 (a).	Kindling a fire and letting it run at large in any land not his own property.	Fine not less than \$25 nor more than \$200 and civil damages.
s. 2 (b).	Permitting any fire to pass from his own land.	Fine not less than \$25 nor more than \$200 and civil damages.
s. 2 (c).	Allowing any fire under his charge, custody or control to run at large.	Fine not less than \$25 nor more than \$200 and civil damages.
s. 3.	Kindling a fire in open air for camping or branding purposes and leaving same without having extinguished it.	Fine not exceeding \$100.
s. 4.	Kindling on any land a fire for the purpose of guarding property, burning stubble or brush, or clearing any land without fire guard and 3 adults present.	Fine not exceeding \$100.
s. 5 (2).	Burning right-of-way without fire being watched and guarded by at least 4 men provided with suitable appliances for extinguishing prairie fire.	Fine not exceeding \$100.

SUBJECT, YEAR, CHAPTER AND SECTION OF ACT.	OFFENCE.	PENALTY.
Ord. c. 87, s. 6 (2).	Allowing spring burning to escape for want of guards.	Fine not exceeding \$100.
s. 7.	Allowing overseer's fires to escape through want of guards.	Fine not exceeding \$100.
s. 11.	Failing to help to put out prairie fire.	Fine not exceeding \$5.
s. 12 (2).	Failing to comply with rules for management and operation of engines used for threshing and other purposes.	Fine not exceeding \$5.
Game. 1907, c. 14, s. 3.		
s. 4.	Hunting on Sunday.	Fine not less than \$10 nor more than \$50 and costs.
s. 5.	Hunting big game out of season.	Fine not less than \$10 nor more than \$50 and costs.
s. 6.	Hunting game birds out of season.	Fine not less than \$10 nor more than \$50 and costs.
s. 7.	Hunting fur-bearing animals out of season.	Fine not less than \$10 nor more than \$50 and costs.
s. 7 (a).	Hunting on enclosed lands without permission of owner.	Fine not less than \$10 nor more than \$50 and costs.
s. 7 (a).	Being found within an enclosure contrary to warning notice on a game or fur farm.	Fine not less than \$50 nor more than \$200 and costs.
s. 8.	Hunting at night.	Fine not less than \$10 nor more than \$50 and costs.
s. 9.	Setting out poison or traps for game.	Fine not less than \$10 nor more than \$50 and costs.
s. 10.	Exporting game without permit.	Fine not less than \$10 nor more than \$50 and costs.

s. 11.	Selling or purchasing big game head without permission.	Fine not less than \$10 nor more than \$50 and costs.
s. 12.	Exporting low grade furs.	Fine not less than \$10 nor more than \$50 and costs.
s. 13.	Disturbing, destroying or taking eggs of protected birds.	Fine not less than \$10 nor more than \$50 and costs.
s. 14.	Allowing sporting dogs to run at large in big game locality.	Fine not less than \$10 nor more than \$50 and costs.
s. 15.	Hunting big game by resident without license.	Fine not less than \$10 nor more than \$50 and costs.
s. 16.	Buying, selling, dealing or trafficking in flesh of big game or game birds without license.	Fine not less than \$10 nor more than \$50 and costs.
s. 17.	Hunting by resident of big game, game bird or fur-bearing animal, whether protected or not, without a license.	Fine not less than \$10 nor more than \$50 and costs.
s. 18.	Not possessing license while hunting except in case of farmer, or person north of 56th.	Fine not less than \$10 nor more than \$50 and costs.
s. 21.	Hunting protected birds.	Fine not less than \$10 nor more than \$50 and costs.
s. 26.	Acting as guide or camp helper on hunting trip without license.	Fine not less than \$10 nor more than \$50 and costs.
s. 29.	Killing or taking buffalo contrary to Act.	Fine not less than \$200 nor more than \$500.

Gaols and Prisons.

1908, c. 15, s. 12 (1).

Selling, lending, using, giving away, knowingly permitting or suffering intoxicating liquors by gaoler to any prisoner, or to be brought into any gaol, other than on medical prescription.

Fine of \$100. In default, three months' imprisonment. Second offence, \$100 and forfeiture of office.

100 TABLE OF OFFENCES AGAINST PROVINCIAL LAWS.

SUBJECT, YEAR, CHAPTER
AND SECTION OF ACT.

OFFENCE.

PENALTY.

1908, c. 15, s. 12 (2).

Giving, conveying, supplying by any person to any prisoner, intoxicating liquor contrary to Act.

Fine of \$100. In default, three months' imprisonment. Second offence, \$100 and forfeiture of office.

H.

Hall Insurance.

1918, c. 20, s. 38.

Failing to perform any duty, or sending any return or notice which is false or misleading, or performing anything forbidden by Act.

Fine not less than \$10 nor more than \$50.

Highways.

1911-12, c. 5, s. 13.

Violating any of the provisions of the Highway Act.

Fine not less than \$1 nor more than \$20 and costs.

s. 11.

Injuring or interfering with notice at a bridge.

Fine not less than \$1 nor more than \$8.

Hospitals.

Ord. c. 20, s. 8.

Making false return under Hospital Ordinance.

Civil action. Penalty, \$100 and costs.

I.

Insurance.

1915, c. 8, s. 60.

Undertaking insurance on behalf of insurance company after publication of notice of suspension or cancellation.

Fine not exceeding \$100 and costs.

s. 57.

Officer of insurance corporation violating section 57 respecting entry and inspection of books.

Fine not exceeding \$50 and costs, in default 6 months.

s. 129.	Making untrue entries in book required to be kept, or refusing to allow inspection.	Indictment — Imprisonment not exceeding 2 years.
s. 90.	Violating any provision of Act or Rules.	Fine not less than \$20 and costs and not more than \$200 and costs. In default, imprisonment not exceeding 3 months.
1916, c. 25, s. 8 (5).	Undertaking or effecting insurance on life of child under ten years in violation of section 8 as to printing provisions of section 8 (2) on forms.	Fine not exceeding \$200 and costs.
Irrigation.		
1915, c. 13, s. 10 (17).	Non-compliance with order of commissioner enquiring into irregularities of election of trustees.	Fine not exceeding \$100.
s. 33 (5).	Non-compliance with summons to attend Court of Revision and produce documents.	Fine not exceeding \$50.
Land Surveyors.		
1910 (1), c. 2, s. 3.	Practising as land surveyor without license.	Fine not less than \$40 nor more than \$100.
s. 42.	Using title of Alberta Land Surveyor.	Fine not exceeding \$50 for first offence, and not exceeding \$100 for each subsequent offence.
s. 44.	Falsifying register of members.	Fine not less than \$20 nor more than \$50 and costs. In default, 6 months' imprisonment.
s. 45.	Procuring registration by fraud or false representation.	Fine not less than \$20 nor more than \$50 and costs. In default, 6 months' imprisonment. Removal of name from register.

SUBJECT, YEAR, CHAPTER AND SECTION OF ACT.	OFFENCE.	PENALTY.
Land Titles.		
1896, c. 24, s. 124 (8).	Violation, section 124 (7), by selling lots under an agreement for sale before plan has been registered.	Fine not less than \$50 nor more than \$100 and costs for each lot sold.
Legal Profession.		
1907, c. 20, s. 46.	Practising as a barrister, except before a Justice of the Peace, without license.	Fine not exceeding \$50 and costs.
s. 49.	Using title as barrister of the province of Alberta without being entitled to do so.	Fine not exceeding \$100.
Libraries.		
1907, c. 17, s. 37.	Disturbing or disquieting person in public library by rude or indecent behaviour, or by making a noise.	Fine not exceeding \$20 and costs.
Liquor.		
1916, c. 4, s. 8.	Violation of Act by vendor.	Fine not less than \$200 nor more than \$500. In default, imprisonment not less than 3 months nor more than 6 months. (sec. 8.)
s. 10. —	Sale of liquor by vendor in violation of Act.	Fine not less than \$200 nor more than \$500. In default, imprisonment not less than 3 months nor more than 6 months. Disqualification. (sec. 8.)
s. 10.	Sale of liquor by clerk, servant or agent of vendor in violation of Act.	Imprisonment not less than 10 days nor more than 3 months without option of fine. (sec. 57.)

- a. 19. Failure by vendor, druggist or physician to make returns or allow inspection.
Fine (vendor), not less than \$200 nor more than \$500. Fine (druggist and physician), 1st offence, not less than \$10 nor more than \$100; 2nd offence, not less than \$100 nor more than \$300; 3rd offence, not less than 3 months nor more than 6 months' imprisonment without option of fine.
- s. 21. Allowing internal communication between manufacturers and other premises.
Fine \$50 for every day during which communication exists. In default one month's imprisonment for each day's violation.
- ss. 23 & 37. Selling liquor in violation of section 23.
Fine 1st offence, not less than \$100 nor more than \$200; 2nd offence, imprisonment not less than 3 months nor more than 6 months without option.
- s. 23 (2). Colourable sale for medicinal purposes by chemist or druggist.
Fine, 1st offence, \$200; 2nd and subsequent, imprisonment not less than 4 months nor more than 6 months without option. Disqualification.
- ss. 24 & 37(2) Having liquor in a place other than a private dwelling house.
Fine, 1st offence, not less than \$10 nor more than \$100; 2nd offence, not less than \$100 nor more than \$300; 3rd and subsequent, imprisonment not less than 3 months nor more than 6 months, without option.

101 TABLE OF OFFENCES AGAINST PROVINCIAL LAWS.

SUBJECT, YEAR, CHAPTER
AND SECTION OF ACT.

1916, c. 4, s. 24 (a)

OFFENCE.

Having liquor in a private dwelling house or a quantity exceeding one quart spirituous and two gallons malt liquor.

PENALTY.

Fine, 1st offence, not less than \$10 nor more than \$100; 2nd offence, not less than \$100 nor more than \$300; 3rd and subsequent offences, imprisonment not less than 3 months nor more than 6 months, without option.

s. 30.

Selling for re-sale contrary to Act.

Fine, 1st offence, not less than \$10 nor more than \$100; 2nd offence, not less than \$100 nor more than \$300; 3rd and subsequent offences, imprisonment not less than 3 months nor more than 6 months, without option.

s. 30.

Carrying liquor out of premises where lawfully kept for the purpose of unlawful sale.

Fine, 1st offence, not less than \$10 nor more than \$100; 2nd offence, not less than \$100 nor more than \$300; 3rd and subsequent offences, imprisonment not less than 3 months nor more than 6 months, without option.

s. 32.

Giving prescription for purpose of obtaining liquor in violation of Act.

Fine, 1st offence, not less than \$10 nor more than \$100; 2nd offence, not less than \$100 nor more than \$300; 3rd and subsequent offences, imprisonment not less than 3 months nor more than 6 months, without option.

- s. 32 (2). Dentist administering liquor in violation of Act.
Fine, 1st offence, not less than \$10 nor more than \$100; 2nd offence, not less than \$100 nor more than \$300; 3rd and subsequent offences, imprisonment not less than 3 months nor more than 6 months, without option.
- s. 36. Permitting drunkenness, or any violent, quarrelsome, riotous or disorderly conduct arising from drunkenness to take place in house or premises or giving liquor to a drunken person or permitting drunken persons to meet on premises.
Fine, 1st offence, not less than \$10 nor more than \$100; 2nd offence, not less than \$100 nor more than \$300; 3rd and subsequent offences, imprisonment not less than 3 months nor more than 6 months, without option of fine.
- s. 35. Harboursing peace officer on vendor's premises.
Fine not less than \$200 nor more than \$500. In default, imprisonment not less than 3 nor more than 6 months. (sec. 8.)
- s. 57. Disobedience of vendor's instructions by servant, agent or employee.
Penalty, imprisonment without option of fine for not less than 10 days nor more than 3 months. (sec. 57.)
- s. 75. Aiding and abetting violation of Act.
Fine, 1st offence, not less than \$10 nor more than \$100; 2nd offence, not less than \$100 nor more than \$300; 3rd and subsequent offences, imprisonment not less than 3 months nor more than 6 months without option.
- s. 76 (2). Neglecting to produce freight and express books after demand by Alberta Provincial Police.
Fine \$200 and costs for each offence. In default, imprisonment for 30 days.

SUBJECT, YEAR, CHAPTER AND SECTION OF ACT.	OFFENCE.	PENALTY.
1016, c. 4, s. 77.	Being upon street, highway or public place in an intoxicated condition.	Fine not exceeding \$20. An additional penalty of imprisonment not exceeding 3 months until dis- closure of person supplying liquor.
s. 78.	Canvassing for, receiving, taking or soliciting orders for purchase or sale of liquor.	Fine, 1st offence, not less than \$10 nor more than \$100; 2nd offence, not less than \$100 nor more than \$300; 3rd and subsequent offences, imprisonment not less than 3 months nor more than 6 months without option.
s. 78 (2).	Distributing, publishing or displaying any advertisement sign, circular, letter, poster, handbill, card or price list respecting sale or purchase of liquor.	Fine, 1st offence, not less than \$10 nor more than \$100; 2nd offence, not less than \$100 nor more than \$300; 3rd and subsequent offences, imprisonment not less than 3 months nor more than 6 months without option.
s. 79 (6).	Failing to answer questions put by provincial police, when found on premises where liquor is found and seized under section 79, or under authority of Provincial Police Act.	Fine \$20 and costs. In default, 20 days' imprisonment.
s. 20.	Allowing liquor to be consumed on premises of vendor, or druggist.	Fine: (vendor) not less than \$200, nor more than \$500 (sec. 8); fine (vendor's clerk). imprisonment not less than 10 days nor more than 3 months (sec. 57); fine (druggist or clerk), 1st

Liquor Export.
1918, c. 8, s. 5.

s. 6.

Livery Stables.
Ord. c. 57, s. 8.

Marriages.

Ord. c. 46, s. 15.

s. 15.

Master and Servants.
Ord. c. 50, s. 2.

Medical Profession.
1906, c. 28, s. 66.

Refusing full, proper and free investigation of registered premises or contents or documents, etc.

Omitting or neglecting to register as required or to keep liquor in manner provided, or refusing or neglecting to give particulars or to do any act, matter or thing required to be done under the Act.
Non-compliance with section 8 as to cleansing livery stables.

M.

Issuing marriage license in contravention of Ordinance.
Solemnizing a marriage contrary to Ordinance.

Drunkenness, absenting without leave, refusing or neglecting to perform duties on the part of an employee.

Practising without license.

offence not less than \$10 nor more than \$100; second offence not less than \$100 nor more than \$300; 3rd offence imprisonment not less than 3 months nor more than 6 months. (sec. 40a.)

Fine not exceeding \$500 and costs and imprisonment in default for not less than 1 month nor more than 3 months.

Fine not less than \$500 nor more than \$2,000 and costs, in default imprisonment not less than 3 nor more than 6 months, with hard labour

Fine, 1st offence, not exceeding \$10; 2nd offence, not exceeding \$25.

Fine not exceeding \$100 and costs. 2 J.P.'s.

Fine not exceeding \$100 and costs. 2 J.P.'s.

Fine not exceeding \$30 and costs. In default, imprisonment not exceeding one month.

Fine, 1st offence, not exceeding \$50; 2nd offence, not less than \$50 nor more than \$200; 3rd or subsequent, not less than \$200 nor more than \$300.

108 TABLE OF OFFENCES AGAINST PROVINCIAL LAWS.

SUBJECT, YEAR, CHAPTER AND SECTION OF ACT.	OFFENCE.	PENALTY.
Mines.		
1913 (1), c. 4, s. 128.	Assuming title of Alberta medical practitioner without being registered.	Fine not less than \$25 nor more than \$100.
s. 67.	Pretending to be physician.	Fine not exceeding \$50.
s. 128(2)	Violation of Act by owner, agent, manager, overman or examiner.	Fine not exceeding \$100 and costs. (Consent necessary to prosecution.)
	Violation of Act by person other than owner, agent, manager, overman or examiner.	Fine not exceeding \$50 and costs. (Consent necessary to prosecution.)
Mine Owners' Tax.		
1918, c. 7, s. 13.	Failing to forward statement mentioned in section 5 of Act.	Fine of \$25 per day during default.
s. 14.	Making false statement in notification to Minister under Act.	Fine of \$250 or, in default, imprisonment not exceeding 6 months.
Motor Vehicles.		
1911-12, c. 6, s. 9.	Neglecting to notify sale of motor car.	Fine, 1st offence, \$20 and costs; 2nd offence, not less than \$20 nor more than \$50 and costs; 3rd and subsequent, not less than \$50 nor more than \$100 and costs, and to imprisonment not less than 1 week nor more than 1 month.
s. 11.	Neglecting to carry lights.	Fine, 1st offence, \$20 and costs; 2nd offence, not less than \$20 nor more than \$50 and costs; 3rd and sub., not less than \$50 nor more than \$100, and imprisonment not less than 1 week nor more than 1 month.

- s. 12. Neglecting to have motor vehicle equipped with adequate brakes or horn.
- s. 16. Neglect by chauffeur to display badge, or permitting misuse of his certificate or badge.
- s. 17. Operating a motor vehicle upon a public highway, without having complied in all respects with Act.
- ss. 19 & 20. Speeding.
- s. 21. Crossing over from one side of a street or highway to the other side between intersecting streets or highways.
- Fine, 1st offence, \$20 and costs;
2nd offence, not less than \$20 nor more than \$50 and costs;
3rd and sub., not less than \$50 nor more than \$100, and imprisonment not less than 1 week nor more than 1 month.
- Fine, 1st offence, \$20 and costs;
2nd offence, not less than \$20 nor more than \$50 and costs;
3rd and sub., not less than \$50 nor more than \$100, and imprisonment not less than 1 week nor more than 1 month.
- Fine, 1st offence, \$20 and costs;
2nd offence, not less than \$20 nor more than \$50 and costs;
3rd and sub., not less than \$50 nor more than \$100 and costs, and imprisonment not less than 1 week nor more than 1 month.
- Fine, 1st offence, \$50 and costs;
2nd offence, \$100 and costs; 3rd offence, \$200 and costs; and imprisonment not less than one week nor more than one month. License becomes void.
- Fine, 1st offence, \$20 and costs;
2nd offence, not less than \$20 nor more than \$50 and costs;
3rd and sub., not less than \$50 nor more than \$100 and costs, and imprisonment not less than 1 week nor more than 1 month.

SUBJECT, YEAR, CHAPTER
AND SECTION OF ACT.

OFFENCE.

PENALTY.

1911-12, c. 6, s. 22.

Operating a motor vehicle being a male under 16 or a female under 18 years of age.

Fine, 1st offence, \$20 and costs; 2nd offence, not less than \$20 nor more than \$50 and costs; 3rd and sub., not less than \$50 nor more than \$100 and costs, and imprisonment not less than 1 week nor more than 1 month.

s. 22 (2).

Operating a motor vehicle when intoxicated.

Fine, 1st offence, not less than \$20 nor more than \$50; 2nd offence, not less than \$20 nor more than \$50 and cancellation of license.

s. 23.

Driving any motor vehicle upon a public highway, in a race or on a bet or wager.

Fine, 1st offence, \$20 and costs; 2nd offence, not less than \$20 nor more than \$50 and costs; 3rd and sub., not less than \$50 nor more than \$100 and costs, and imprisonment not less than 1 week nor more than 1 month.

s. 24.

Disconnecting or cutting out use of "muffler" within limits of city, town or village.

Fine, 1st offence, \$20 and costs; 2nd offence, not less than \$20 nor more than \$50 and costs; 3rd and sub., not less than \$50 nor more than \$100 and costs, and imprisonment not less than 1 week nor more than 1 month.

s. 25.

Approaching bridge, dam, culvert, curve or street descent without having motor vehicle under control.

Fine, 1st offence, \$20 and costs; 2nd offence, not less than \$20 nor more than \$50 and costs; 3rd and sub., not less than \$50 nor more than \$100 and costs.

s. 26, 27.	Operating a motor vehicle outside limits of cities, towns or villages, without complying with provisions as to stopping or reducing speed when passing traffic on roads.	and imprisonment not less than 1 week nor more than 1 month. Fine, 1st offence, \$20 and costs; 2nd offence, not less than \$20 nor more than \$50 and costs; 3rd and sub., not less than \$50 nor more than \$100 and costs, and imprisonment not less than 1 week nor more than 1 month.
s. 29.	Falling to turn to right when overtaken.	Fine, 1st offence, \$20 and costs; 2nd offence, not less than \$20 nor more than \$50 and costs; 3rd and sub., not less than \$50 nor more than \$100 and costs, and imprisonment not less than 1 week nor more than 1 month.
s. 30.	Omitting to return to scene of accident and giving information.	Fine, 1st offence, \$20 and costs; 2nd offence, not less than \$20 nor more than \$50 and costs; 3rd and sub., not less than \$50 nor more than \$100 and costs, and imprisonment not less than 1 week nor more than 1 month.
s. 40.	Passing standing street cars.	Fine, 1st offence, \$50 and costs; 2nd offence, \$100 and costs; 3rd offence, \$200 and costs, and imprisonment not less than one week nor more than one month. License void.
Name (Change of). 1916, c. 10, s. 9 (1).	Obtaining change of name by fraud or false misrepresentation.	Fine not exceeding \$500 and costs or imprisonment for a term not exceeding 3 months.

SUBJECT, YEAR, CHAPTER AND SECTION OF ACT.	OFFENCE.	PENALTY.
1916, c. 10, s. 9 (4).	Refusing or neglecting to deliver Fine not exceeding \$100 and costs. up duplicate certificate on de- 'In default, imprisonment not ex- mand of Provincial Secretary. ceeding 30 days.	
Notary Public. 1906, c. 16, s. 5 (2).	Omitting to add words "my com- Fine not exceeding \$10 and costs. mission expires, etc.," where a commission is held which expires with effluxion of time.	
Noxious Weeds. 1907, c. 15, c. 4.	Neglecting to destroy noxious weeds.	Fine not less than \$5 and not ex- ceeding \$50 and costs.
s. 10.	Failing to carry out notice under Noxious Weeds Act.	Fine not less than \$5 and not ex- ceeding \$50 and costs.
s. 13.	Possessing for sale seeds with more than one noxious weed to the ounce.	Fine not less than \$5 and not more than \$50 and costs.
s. 13.	Selling for feed any grain having more than 10 noxious weeds to the ounce.	Fine not less than \$5 nor more than \$50 and costs.
s. 14.	Purchasing, selling or removing bran, shorts, chopped or crushed grain containing noxious weeds without destroying germination of seeds.	Fine not less than \$5 nor more than \$50 and costs.
s. 14	Removing from elevator or mill screening from grain at time it is marketed.	Fine not less than \$5 nor more than \$50 and costs.
s. 15.	Placing noxious weeds outside mills, elevators, etc., without de- stroying germination of seeds.	Fine not less than \$5 nor more than \$50 and costs.

s. 10.	Neglect by thrasher to thoroughly clean machine, etc., after threshing.	Fine not less than \$5 nor more than \$50 and costs.
s. 17.	Neglect by thrasher to clean grain threshed.	Fine not less than \$5 nor more than \$50 and costs.
s. 18.	Neglect by thrasher to display card required by sections 16, 17.	Fine not less than \$5 nor more than \$50 and costs.
P.		
Peddlers.		
Ord. c. 58, s. 7.	Peddling without license.	Fine not exceeding \$100 and costs.
Poisons.		
1908, c. 19, s. 4.	Setting out poison in violation of section 4.	Fine not more than \$100.
s. 1 (2).	Setting out poison north of 55th, without permission, under sec-1.	Fine not more than \$100.
Pool Rooms.		
1911-12, c. 24, s. 2a.	Operating pool room or bowling alley without license.	Fine not exceeding \$50 and costs.
s. 3.	Children under 17 years of age in pool room.	Fine not exceeding \$50 and costs.
s. 3 (2)	Employing child under 17 years in pool room or bowling alley.	Fine not exceeding \$50 and costs.
s. 4.	Operating pool room during prohibited hours.	Fine, 1st offence, not exceeding \$50 and costs; 2nd offence, not less than \$20 nor more than \$100 and costs.
s. 5.	Drunk persons entering or remaining in pool room.	Fine not exceeding \$50 and costs.
s. 5.	Speaking blasphemous, obscene or vulgar language in a pool room or swearing therein.	Fine not exceeding \$50 and costs.

SUBJECT, YEAR, CHAPTER AND SECTION OF ACT.	OFFENCE.	PENALTY.
Provincial Elections. 1909, c. 3.	Offences: Sections 50, 82, 83, 84, 85, 86, 117, 119, 126, 148, 154, 160, 161, 169, 171, 254, 255, 256, 258, 259, 260, 261, 262, 263, 264, 265, 266, 270, 277, 278, 279, 280, 281, 282, 283, 284 and 296.	Prosecution before District Court Judge. Section 286.
Public Health. 1910 (2), c. 17, s. 26.	Defacing, destroying or removing notices under Act or regulation.	Fine not exceeding \$50 and costs.
s. 27.	Neglecting to obey orders of exe- cutive officers given under Act or regulations.	Fine not exceeding \$50 and costs.
s. 28.	Assaulting, obstructing, molesting or hindering executive officer or constable in execution of duties under Act or regulations.	Fine not exceeding \$50 and costs.
Public Utilities. 1915, c. 6, s. 84.	Violations by person or public utility of Public Utility Act. 2 J.P.'s or P.M.	Fine not less than \$50 nor more than \$500 and costs. In default, imprisonment not exceeding 6 months. 2 J.P.'s or P.M.
Public Works. 1906, c. 10, s. 11 (3).	Refusing to be examined under provisions of section 11 or to comply with notice of Minister.	Fine \$25. In default, one month's imprisonment.
s. 14.	Refusing or neglecting after de- mand to deliver public works, documents and plans to Minister.	Fine \$25. In default, imprison- ment for one month.

s. 25.	Obstructing surveyor or engineer while on duty under Act.	Fine not exceeding \$50, or in alternative, to imprisonment not exceeding 2 months, or to both.
s. 26 (3).	Non-compliance with order of district engineer or surveyor or refusing to be examined.	Fine of \$25. In default, imprisonment not exceeding one month.
s. 34 (2).	Obstructing any person working under order of Minister on public work or land.	Fine not exceeding \$50 and costs, or in alternative, to imprisonment not exceeding 30 days, or both.
s. 54.	Interfering with rights of licensed ferryman.	Fine not exceeding \$100, and in default imprisonment not exceeding 3 months.
s. 59.	Operating a ferry without a license.	Fine \$10 a day during which it is operated without a license.
s. 60.	Obstructing road allowance or surveyed highway.	Fine not exceeding \$50, or alternative, imprisonment for 30 days or both.
s. 61.	Breaking, cutting, filling up or injuring public work.	Fine not exceeding \$100 and costs. In default, imprisonment not exceeding 60 days.
s. 61 (2).	Driving across bridge at a pace faster than a walk.	Fine not exceeding \$25.
s. 61 (3).	Placing any obstruction on bridge.	Fine not exceeding \$50.
s. 61 (4).	Operating engine over bridge without proper precautions.	Fine not exceeding \$50.
R.		
Railways. 1907, c. 8, s. 131(3) & 183	Railway company obstructing highway.	Fine not less than \$40, under section 13 (3), and not exceeding \$50, under section 183.

**SUBJECT, YEAR, CHAPTER
AND SECTION OF ACT.**

OFFENCE.

PENALTY.

1907, c. 8, s. 150.

Leaving gates at farm crossings open without person in attendance.

Fine of \$20.

s. 151 (4).

Violating provisions of section 151 as to construction of bridges, tunnels, etc.

Fine not exceeding \$50 for each day's neglect.

s. 155 (6).

Obstructing inspecting engineer while on duty.

Fine not exceeding \$40. In default, imprisonment not exceeding 3 months.

s. 157 (2).

Violation of order forbidding use of condemned rolling stock.

Fine not less than \$20 nor more than \$200.

s. 185 (2).

Violating section 185 as to giving notice on black board of train times.

Fine not exceeding \$5.

s. 216 (2).

Selling, giving or bartering any spirituous or intoxicating liquor to or with servant or employee of railway company while on duty.

For not exceeding \$50, or in alternative, imprisonment not exceeding one month, or to both.

s. 217.

Violations of Act, by-laws, rules or regulations by officers or servants of company.

Fine not exceeding \$400 or to imprisonment not exceeding 6 months.

s. 220.

Violations of Act, by-laws, rules or regulations by any person.

Fine not exceeding \$20 if no amount stated therein.

s. 221.

Violations not otherwise provided for.

Fine of \$100.

Reformatories.

1908, c. 11, s. 30.

Disorderly conduct within reformatory.

Fine not less than \$1 nor more than \$50.

s. 31.

Abusing or ill-treating boys by officials in reformatory.

Fine not exceeding \$100.

Religious Societies.

Ord. c. 38, s. 23.

Officer of incorporated religious society neglecting duties imposed by Ordinance.

Fine not exceeding \$50.

Rural Municipalities.

1911-12, c. 3, s. 127 (4).

Making false declaration under section 127.

Fine not exceeding \$20 and costs.

s. 137.

Voting oftener than entitled under Act.

Fine \$50 and costs.

s. 166 (3).

Violating section 166 dealing with ballot papers. 2 J.P.'s or P.M.

Penalty (returning officer), imprisonment not exceeding 2 years; (other person), fine not exceeding \$500 or imprisonment not exceeding 6 months, or both. Imprisonment not exceeding 6 months with or without H. L.

s. 168 (6).

Violating section 168 respecting duties of election officers.

Fine not exceeding \$25 and costs.

s. 169.

Displaying ballot paper.

Fine not exceeding \$100 exclusive of costs.

s. 192 (2).

Violation of an approved by-law.

In default, imprisonment not exceeding 30 days, with or without H. L. Fine not less than \$10 nor more than \$50 and costs.

s. 204.

Refusal or neglect of noxious weeds inspector to carry out duties.

Fine not exceeding \$100 and costs.

s. 210.

Impounding animal other than a stray by pound-keeper.

Fine not exceeding \$10 and costs.

s. 254 (2).

Refusing information asked for assessment purposes.

Fine not exceeding \$10 and costs.

s. 256.

Fraud by assessor.

Fine not exceeding \$100 and costs.

SUBJECT, YEAR, CHAPTER AND SECTION OF ACT.	OFFENCE.	PENALTY.
Sale of Shares. 1916, c. 8, s. 4.	Selling shares without approval of Utility Commissioners. 2 J.P.'s or P.M.	Fine not more than \$500. In de- fault, imprisonment not exceed- ing 6 months.
s. 5.	Publication of offers for sale of shares not approved by Public Utility Commissioners. 2 J.P.'s or P.M.	Fine not exceeding \$500. In de- fault, imprisonment not exceed- ing 6 months.
s. 11 (2).	Publication of fact of approval by Public Utility Commissioners, 2 J.P.'s or P.M.	Fine not exceeding \$500. In de- fault, imprisonment not exceed- ing 6 months.
Schools. (a) <i>Assessment.</i> Ord. c. 105, ss. 9 (4) and 93 (4). Ord. c. 105, s. 32.	Fraud or false statements in no- tice under sections 9 and 92. Failing, on demand by assessor, to supply information for assess- ment purposes.	Fine not exceeding \$100. Fine not exceeding \$50.
(b) <i>General.</i> Ord. c. 75, s. 18 (2).	Subscribing false declaration in Form A.	Fine not exceeding \$10.
s. 46 (4).	Acquiring school site without ap- proval of Minister.	Fine not exceeding \$100 and costs.
s. 58 (3).	Subscribing false declaration in Form B.	Fine not exceeding \$10.
s. 120.	Subscribing false declaration in Form B (c).	Fine not exceeding \$10.
s. 149 (3).	Conducting school without certifi- cate of Dept. of Education.	Fine not exceeding \$50.
s. 170.	Signing false reports or registers.	Fine not exceeding \$20.

s. 171.	Detaining money, books, etc., after demand.	Fine not exceeding \$20 per day for each day wrongfully retaining possession.
s. 171 (2).	Trustee failing to perform duties required by Ordinance.	Fine not exceeding \$50.
s. 172.	Violation by returning officer of section 172 as to regulations respecting voting.	Fine not less than \$10 nor more than \$100.
s. 173.	Disturbing school meeting or school exercises.	Fine not exceeding \$20.
s. 173 (a).	Subscribing false returns.	Fine not exceeding \$25.
(c) Attendance.		
1910 (2), c. 8, s. 6 (1).	Employing child under 14 years of age, during school hours.	Fine not exceeding \$20.
s. 12.	Neglect by person or officer to do the duties required by the Act.	Fine not exceeding \$10.
s. 9.	Neglecting or refusing to send child to school after being notified.	Fine not exceeding \$10. In default, imprisonment not exceeding ten days.
Seed Grain.		
1915, c. 14, s. 11.	Selling or disposing of seed grain in violation of Dominion Act.	Fine not exceeding \$500 or to imprisonment not exceeding 2 years, or both.
1917, c. 8, s. 16.	Selling or disposing of seed grain in violation of Provincial Act.	Fine not less than \$50 nor more than \$250 and costs. In default, imprisonment not less than 1 month nor more than 6 months.
1918, c. 10, s. 12	Obtaining, with intent to defraud, seed grain from any municipal district, or disposing of any seed grain so obtained otherwise than as intended. (No prosecution except on resolution of district).	Fine not exceeding \$100 and costs, and in default imprisonment not exceeding 2 months.

SUBJECT, YEAR, CHAPTER AND SECTION OF ACT.	OFFENCE.	PENALTY.
1918, c. 10, s. 10 (4).	Selling grain to defeat seed grain lien when note remains unpaid.	Fine not exceeding \$100 exclusive of costs.
1918, c. 10, s. 13.	Voting for or knowingly permit- ting improper borrowing or mis- appropriation of any seed grain or moneys therefor.	Fine not exceeding \$100 and costs, and imprisonment in default not exceeding 2 months.
1918, c. 21, s. 16.	Disposing of advance or seed grain in violation of Act.	Fine not less than \$50 nor more than \$250 and costs, in default, not less than 1 month nor more than 6 months' imprisonment.
Sheep Trailing. 1915, c. 12, s. 10.	Rescuing or interfering with sheep seized for damages under Act.	Fine not exceeding \$100 and costs.
s. 11.	Permitting sheep to wander on privately owned land and to commit damage to crops or mea- dows in violation of Act.	Fine not exceeding \$10.
s. 12.	Violating any provisions of Act not specially provided for.	Fine not exceeding \$100 and costs.
Sheriffs. 1909, c. 11, s. 33.	Taking reward otherwise than as allowed by law.	Fine not exceeding \$200 or to imprisonment not exceeding 2 years, with or without H. L.
s. 35 (2).	Failing to keep books required by law.	Fine not exceeding \$20.
s. 35 (3).	Failing to transmit fees to pro- per authority.	Fine of \$20 for each day after which he shall fail to transmit same.
s. 40.	Failing to deliver books, process, etc., to successor.	Supreme Court Judge. Fine not exceeding \$200.

TABLE OF OFFENCES AGAINST PROVINCIAL LAWS 121

Small Debts.

1918, c. 11, s. 50.

Justice failing to pay over moneys, or to make return by Act so required.

Fine not less than \$5 nor more than \$50 and costs, in default, 30 days' imprisonment with or without hard labour.

Stallion Enrolment.

1917, c. 16, s. 12.

Violating any of the provisions of the Stallion Enrolment Act, 1917

Fine not less than \$25 nor more than \$100 and costs. In default, imprisonment not exceeding 1 month.

Stock Inspection.

1915, c. 11, ss. 20 & 18 a.

Violating any of the provisions of the Stock Inspection Act, 1915, or regulations made thereunder.

Fine not exceeding \$100 and costs.

Succession Duties.

1914, c. 5; 1918, c. 34, s. 30a.

Executor or administrator failing to comply with provisions of section 30a, sub-sections 1, 2, respecting inventory on sale of property.

Fine not exceeding \$500.

Surveys.

1911-12, c. 13, s. 37.

Interrupting, molesting or hindering land surveyor while on duty. (See also Criminal Code sections 531 and 532).

Fine not exceeding \$50 or to imprisonment not exceeding 2 months, or both.

Theatres (Taxation).

1918, c. 13, s. 9.

Entering a place of amusement without having previously paid the tax provided by the Act.

Fine not more than \$50 for each offence, in default, imprisonment not exceeding 6 months.

s. 10.

Owner or employee of place of amusement permitting or assisting party to enter place of amusement without paying tax.

Fine not less than \$25 nor more than \$200 for each offence, in default, imprisonment for not more than 6 months.

122 TABLE OF OFFENCES AGAINST PROVINCIAL LAWS.

SUBJECT, YEAR, CHAPTER AND SECTION OF ACT.	OFFENCE.	PENALTY.
Threshers.		
1913 (1), c. 17, s. 16.	Refusing on demand of employee to furnish time sheet.	Fine \$5 and costs for each day during which statement is withheld.
1913 (2), c. 26, s. 10.	Violating any provisions of Threshers' Lien Act, 1913.	Fine not exceeding \$25 and costs. In default, imprisonment not exceeding 30 days.
Timber Areas (Taxation).		
1914, c. 15, s. 5 (2). 1918, c. 41, s. (1).	Failing to comply with section 3 or 4 of Act.	Fine not exceeding \$50 and costs, and in default, imprisonment not exceeding 6 months.
Towns.		
1911-12, c. 2, ss. 44 (2) & 368 (2).	Refusing or neglecting to fulfil duties of office, making false returns; refusing to hand over papers to successor.	Fine not exceeding \$100.
s. 114.	Voting offener than entitled under Town Act.	Fine of \$50.
s. 117 (6).	Accepting vote when voter has refused to be sworn after demand.	Fine \$5, \$100.
s. 153 (3).	Violating section 153 as to ballot papers. 2 J.P.'s.	Before 2 J.P.'s: Penalty (returning officer), imprisonment not exceeding 2 years; (other person), fine not less than \$50 nor more than \$500, or imprisonment not exceeding 6 months, or both.
s. 155 (6).	Violating section 155 as to secrecy of ballot. 2 J.P.'s or P.M.	Before 2 J.P.'s or P.M.: Fine not less than \$50 nor more than \$500, or imprisonment not exceeding 6 months, or both.

- s. 164 (2). Attempting to pass by-law granting bonus, or exemption from taxation, as set out in section 164 of Town Act. Fine not exceeding \$100 exclusive of costs. Disqualification.
- s. 288 (3). Fraud in connection with assessment roll. Fine of \$25 and costs.
- s. 365. Setting out fires within town limits. Fine not less than \$25 nor more than \$200.
- s. 367. Breach of by-law imposing a penalty. Fine not exceeding \$100 exclusive of costs. In default, reasonable punishment not exceeding 60 days' imprisonment, with or without H. L.

Treasury Department
1906, c. 5, s. 41.

s. 47.

Refusing to transmit accounts required by Treasury Act. Fine of \$100. In default, imprisonment not exceeding 3 mos.

Receiving, giving, offering or promising reward for official acts. Fine of \$400. In default, imprisonment not exceeding 6 mos.

Trust Companies.

Ord. c. 15: 1903 Act, c. 29, 1918, s. 13.

Neglecting to prepare and transmit to Minister on or before 1st March each year, statement required by section 13 of Ord. Fine of \$20 for each and every day during neglect. Recoverable by suit at instance of Attorney-General.

V.

Veneral Diseases.
1918, c. 50, s. 7 (2).

Supplying drug, medicine, etc., except on prescription of doctor, to person suffering from venereal disease. Fine not more than \$500.

s. 8. Advertising cures for or treatments of venereal diseases, except in medical or surgical papers. N.B.—These proceedings are to be conducted in camera, and no report published. Fine not more than \$500, and in default, imprisonment not exceeding 12 months.

SUBJECT, YEAR, CHAPTER AND SECTION OF ACT.	OFFENCE.	PENALTY.
1918, c. 50, s. 9 (a).	Contravening any provision of Act or regulation for which no penalty is provided.	Fine not less than \$10 nor more than \$100, and in default, imprisonment not exceeding three months.
s. 9 (b).	Neglecting or disobeying order of Medical Health Officer of Province.	Fine not less than \$10 nor more than \$100, in default, not exceeding 3 months' imprisonment.
s. 9 (c).	Hindering, delaying or obstructing officer in performance of duties under Act.	Fine not less than \$10 nor more than \$100, in default, imprisonment not exceeding 3 months.
s. 9 (d).	Publishing or disclosing, without lawful authority, any proceedings under Act.	Fine not less than \$10 nor more than \$100, in default, imprisonment not exceeding 3 months.
<i>Villages.</i> 1913 (1), c. 5, s. 48.	Voting when not entitled under Act.	Fine not less than \$10 nor more than \$50.
s. 85 (2).	Refusing information on demand by assessor or giving false information.	Fine not exceeding \$10.
s. 87.	Fraudulent assessment by assessor.	Fine not exceeding \$100.
s. 94.	Refusing to appear before Court of Revision in answer to summons.	Fine not exceeding \$50.
s. 139.	Failure to discharge duties of office; making false statements and returns; neglecting to hand over books, papers, etc., to successor.	Fine not exceeding \$50.

s. 139 a (1)	Breach of by-law of village passed in accordance with section 139 (a) or failing to pay license fee required by by-law.	Fine not exceeding \$100 exclusive of costs. In default, imprisonment not exceeding 60 days. Order that license fee be paid in addition to fine.
s. 164 (1)	Illegally impounding animal not an estray.	Fine not exceeding \$100.
s. 172 (g)	Voting upon a by-law for restraining animals at large in village when not entitled to do so.	Fine not less than \$10 nor more than \$50.
Vital Statistics. 1916, c. 22, s. 44.		
s. 45.	Refusing or neglecting to report birth, marriage, death or burial within time named in Act.	Fine not less than \$1 nor more than \$50.
s. 46.	Neglecting to make returns of vital statistics where required to do so within time allowed by Act	Fine not exceeding \$25. Refusal of fees allowed by Act.
s. 47.	Interring, removing for shipment outside province, or otherwise disposing of body of deceased person without burial permit.	Fine not exceeding \$100.
s. 48.	False statements touching matters required by Act.	Fine not exceeding \$25.
s. 49.	Accepting fees other than as provided in Act.	Fine not exceeding \$5.
s. 50.	Removing, defacing or destroying public notices relating to registration of births, marriages and deaths.	Fine not exceeding \$20.
	Violation of Act for which no other penalty is specially provided.	

SUBJECT, YEAR, CHAPTER AND SECTION OF ACT.	OFFENCE.	PENALTY.
Water, Gas and Electric Light. Ord. c. 103, s. 20.	W. Injuring, obstructing, fouling, damaging plant, or increasing, wrongfully, supply of electricity, water or gas. Obstructing officers in performance of duties.	 Fine not exceeding \$50. Fine not exceeding \$20 and costs with further penalty of \$4 per day so long as refusal continues.
Wolf Bounty. 1909, c. 13, s. 8.	Making claim for bounty on pelts taken from animals which have been killed elsewhere than in the Province of Alberta.	Fine not exceeding \$100 and costs.
Wild Land Tax. 1914, c. 3, s. 11 (2).	Refusing, after demand, to give information under section 11 to assessor, or wilfully furnishing false information. Making fraudulent assessment or wilfully neglecting any duty required by Act.	 Fine not exceeding \$10. Fine not exceeding \$100.
Workmen's Compensation. 1918, c. 5, s. 63.	Violating any of the provisions of the Act, or any regulation. (No prosecution can be instituted except by Board). Court, 1 J. P. or P. M.	Fine not exceeding \$500 and costs, and in default imprisonment not exceeding 3 months.

INDEX.

A.

- Accidental fires not amounting to arson, 6.
- Actual bodily harm explained, 7.
- Acquaintance with persons and places, 1.
- Adverse witness, 47.
- Admissibility of evidence, 47.
- Affidavits, 47.
- Affirmations, 48.
- Age, of consent, 8, 10.
- Age, proof of, 8, 9.
- Ante-mortem statements, 20, 65.
- Arguments, submitting, 45.
- Arrest, generally, 48.
 - how made, 48.
 - made on Sunday, 49.
 - on warrant, 50.
 - without warrant, 51.
 - where person unknown, 50.
 - without identification, 50.
 - where murder has been committed, 22.
- Arson, crime of, 5.
 - investigating cases of, 5.
- Assistance to be given to travellers, 3.
- Attending departure and arrival of trains, 3.
- Attending meetings, 2.

B.

- Bawdy houses, 67.
 - frequenting, 67.
- Bail, generally, 53.
 - rule as to, 54.
- Backing warrants, 53.
- Bench warrants, 54.
- Bedding, examination of, 11.
- Birth, concealment of, 11.
 - evidences of, 11.
- Boats, arrival and departure of, 3.

- Books, memorandum, 3.
- Bodily harm, cases of, 5.
 - explanation of terms, 7.
 - investigating assault with, 5.
 - proof in cases of, 5.
- Body, taking possession pending inquest, 17.
- Brothels, watching, 2.
- Burden of proof, in case of confession, 57.
 - that confession is voluntary, 57.
- By-laws regulating street traffic, 3.

C.

- Carnal knowledge, investigating cases of, 7.
 - proof in cases of, 10.
- Cattle stealing, investigating cases of, 28.
 - rules of evidence in cases of, 41.
- Canada Evidence Act, 38.
- Caption, 54.
- Certiorari procedure, 54.
- Child, murder, 11.
 - evidence of, 40.
- Cheques, 13, 14, 16, 17.
- Charging woman during illness, 12.
 - previous conviction, 71.
- Checking over statements of witnesses, 34, 37.
- Clothing on dead body to be examined, 18.
- Colour of right, 29, 55.
- Compounding offences, 56.
- Complaint, and information, 55.
 - following outrage, 26.
- Committal warrants, generally, 76.
 - in default of sureties, 76.
 - in extradition cases, 77.
 - in first instance after conviction, 76.
 - in want of distress, 76.
 - in insanity cases, 77.
 - on remand at preliminary, 76.
- Contempt of Court, 57.
- Convictions, generally, 58.
 - previous, 39.

- Confessions, generally, 22, 57.
 - in murder cases, 21, 57.
- Concealment of birth, 11.
- Confidence men, 15.
- Coroner, office of, 59.
 - to be notified in case of violent death, 17.
- Correction of irregularities in warrants, 51.
- Court, presenting case in, 38.
 - preparation of case for, 33.
- Corroboration, 8, 9, 10, 40, 60.
- Costs, generally, 60.
 - on appeal, 61.
 - on conviction, 60.
 - on dismissal, 61.
 - on indictment, 61.
 - recovery of, 62.
- Crowds and assemblies, 3.
- Criminal investigation, 5.
- Criminal assault by medical examination, 11.
- Crown office rules, 55.

D.

- Dead body, concealment after child-birth, 13.
- Detention of things seized, 75.
- Deficient warrants not to be executed, 51.
- Defilement of girls, 10.
- Delinquents, juvenile, 69.
- Demeanour of witnesses, 31, 32.
- Depositions, at trial, 63.
 - before trial, 62.
 - in extradition cases, 63.
 - generally, 62.
- Dismissal, costs on, 61.
- Disorderly houses, 75.
- Disobedience of Court orders, 57.
- Disposition of fines, 67.
- Distress, generally, 64.
 - procedure, 64.
 - costs of, 60.
- Documents, proof of, 41.

- Duties, constables'. general. 1.
 - summary of, 4.
- Duty, in murder cases. 17.
 - loitering on, 2.
 - where inquest is held, 69.
- Dying declarations. 20, 65.

E.

- Endorsing warrants, 50. 53.
- Evidence in case of—
 - arson, 6.
 - bodily harm, 6.
 - carnal knowledge, 8.
 - concealment of birth, 13.
 - fraud and false pretences, 16.
 - murder, 23.
 - perjury, 25.
 - rape, 26.
 - theft, 28.
 - threats (letters), 30.
- Evidence, rules relating to, 41.
 - husband and wife's, 38,
 - child's, 40.
 - documents as, 41.
 - proof of documentary, 41.
 - admissibility of, 47.
- Examination, after arrest, 22.
 - dead body, 18.
 - medical, 8, 22.
 - witnesses in Court, 45
- Exceptions, negating, 70.
- Ex officio. 66.
- Ex parte, 66.
- Executing, warrant of arrest, 50.
 - warrant to search, 75.
- Exclusion, of witnesses from Court room, 44.
- Exhibits, putting in, 38, 43.
 - identification of, 43.
- Explosives, seizure of, 75.
- Extradition, generally, 66.
 - depositions, 63.

F.

Facts, essential to prove—

- arson, 5.
 - bodily harm, 6.
 - carnal knowledge, 7.
 - concealment of birth, 11.
 - fraud and false pretences, 13.
 - murder, 17.
 - perjury, 24.
 - rape, 25.
 - theft, 27.
 - threats (letters), 29.
- False pretences, 16.
- essentials to prove in case of, 16.
- Fairs, swindlers at, 16.
- Fines, disposition of, 67.
- Finding offence to fit the facts, 35.
- Foot-prints, measuring, 18.
- investigation of, 18.
- Foreigners to be watched, 1.
- Form of—
- arrest, 48.
 - affirmation, 48.
 - dying declaration, 20.
- Fraud and false pretences, 13.
- Fresh pursuit, 52, 53.
- Frequenting, 67.
- Fugitive offenders, 53.

G.

- Gambling, 68.
- Gaming, house, 41.
- in stocks, 41.
- General duties, 1.
- Grievous bodily harm explained, 7.

H.

- Hands of dead person to be examined, 18.
- Handwriting, rules of evidence regarding, 29.
- Haunts of thieves, 2.

Houses, search in, 2.
Husband and wife as witnesses, 38.

I.

Identification of exhibits, 43.
Ill will as element in crime, 5, 19.
Incriminating answers, 39.
Indictable offence, 68.
Insurance, setting fire to obtain, 5.
Intent in false pretences, 16.
Interviewing witnesses before trial, 37.
Indictment, costs on, 61.
Information and complaint, 36, 53, 55.
Inquest, 23, 68.
Inquisition, 69.

J.

Juveniles, 69.

L.

Letters, threatening, 29.
Loitering on duty forbidden, 2.
Limitation, in cases of seduction, 11.
generally, 70.

M.

Marriage, seduction under promise of, 10.
Marking places to catch thieves, 1.
Malice aforethought, 23.
Malice or ill-will as motive for crime, 5, 19.
Manner of giving evidence explained, 38.
Medical examination, child, 8.
prisoner, 22, 26.
woman, 11, 26.
Meetings to be attended, 2.
Memorandum book, 3.
Minute of conviction, 58.
Mock auctions, 15.
Motive in murder cases, 19.

Money on prisoners, 22.
Murder, distinguished from manslaughter, 23.
 investigating cases of, 17.
 motive for, 19.

N.

"N. S. F." cheques, 17.
Neglected children, 69.
Negating exceptions, 70.
No account, false pretences by cheque where, 17.
Notice of motion, to quash conviction, 55.
 for certiorari, 55.
Notification, of appearance of confidence men, 16.
 of coroner on murder cases, 17.

O.

Objections at trial to case going on, 42. ;
Obscene publications, 30.
 language, 30.
Obstruction of highways, 3.
Obtaining goods by false pretences, 13.
Opening case in court, 42.
Offences, compounding, 56.
Offensive weapons, seizure of, 75.
Opium joints, searching in, 75.
Original memoranda to be retained, 49, 50.

P.

Papers found on dead body to be preserved, 18.
Personal service of summons required, 74.
Person found committing offence may be arrested, 52.
Perjury, investigation of case of, 24.
Penetration, essential to certain crimes, 9, 26.
Photographing dead body, 18.
Pool rooms, visiting, 1.
Poisoning cases, investigation of, 19.
Preliminary hearing, attending, 23.
Previously chaste character, 9, 26.
Previous conviction, proof of, 39, 71.
Preserving order in court, 58.

- Presentation of cases in court, 38.
- Preparation of case for court, 33.
- Proclamations, proving, 41, 44.
- Prosecutions, conducting, 33.
- Proof in case of—
 - arson, 6.
 - bodily harm, 6.
 - carnal knowledge, 8.
 - concealment of birth, 13.
 - false pretences, 16.
 - murder, 23.
 - perjury, 25.
 - rape, 26.
 - theft, 28.
 - threats (letters), 30.
- Proving previous conviction, 40.
- Public administrator given effects of deceased, 69.
 - stores. search for, 75.
 - meetings, duties respecting, 2.

Q.

- Quashing conviction, procedure on, 54.

R.

- Rape, investigating cases of, 25.
- Reasonable doubt, 37.
- Rebuttal evidence, 47.
- Receiving stolen property, evidence of, 41.
- Recognizance of bail, 54.
- Refreshing witnesses as to their evidence, 37.
 - the memory, 37.
- Recovery of costs, 62.
- Remand, 72.
- Render of sureties, 72.
- Restitution, 72.
- Release of goods distrained, 64.
- Ring dropping, 15.
- Rules of evidence, 41.

S.

- Search, after arrest, 22.
 - for offensive weapons, 49, 75.
 - for women in disorderly houses, 75.
 - in theft cases, 27, 75.
 - in houses of ill-fame, 75.
 - in gaming houses, 75.
- Search conducted in murder cases, 18.
- Seduction, under promise of marriage, 11.
- Self-defence, 7, 24.
- Seizure, goods on distress, 64.
- Service of summons, 74.
- Suspected goods, seizure of, 75.
- Sureties, render of, 72.
- Summary, of constables' duties, 3.
 - conviction, 73.
- Summarizing evidence upon investigation, 34.
- Suspected persons to be watched, 2.
 - poisoning, 19.
- Strangers to be given assistance, 1.
- Streets to be kept clear, 3.
- Statements, accused, 41, 73.
 - antemortem, 20.
 - by way of confession, 22, 57.
 - witnesses in murder cases, 19.
- Subpœnas, 73.
- Summons, 74.

T.

- Taxation of costs, 62.
- Taking possession of dead body, 17.
- Telegram, arrest on, 52.
- Teeth, examination in case of murder, 18.
- Theft, investigation of, 27.
- Threats, investigation of, 29, 30.
- Trains, attendance at arrival and departure of, 3.
- Traffic, obstructing, 3.
- Trial, use of depositions at, 63.

U.

- Unknown person, arrest of, 50.

V.

Voluntary confessions, 57.

W.

Warning subsequent to arrest, 49.

Warrants—

arrest on, 50.

backing, 51, 53.

committal, 76.

deficiencies in, 51.

distress, 77.

generally, 50, 75.

Weapons, search for in murder cases, 18.

causing bodily harm by offensive, 6.

Wife, beating, 7.

as witness, 38.

Witnesses, adverse, 47.

exclusion of, 43.

handling in court, 37, 43.

statements of, 19.

Woman, medical examination of, 11, 22.

Wounds, causing bodily harm, 6.

Worthless cheques, 13

